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ABSTRACT

Excerpts from 100 speeches, essays, and legal documents dating from classical times to the present illustrate the record of human rights discussion over the centuries. The compilation was made in 1968 to mark the 20th anniversary of the Universal Declaration of Human Rights. The readings indicate that human rights initially meant freedom from a monarch's tyranny; later, that no executive or legislature could take away inalienable rights of the individual. In the 20th century, human rights are seen to include economic, social, and cultural rights, as well as civil and political ones. The readings are divided into five categories. "Classical Origins" includes statements from Pericles, Plato, and Cicero. "The European Background" contains excerpts from documents such as Magna Carta, English Bill of Rights, and French Declaration of the Rights of Man and of the Citizen. Authors such as John Milton and Jean Jacques Rousseau are quoted, also. "The American Tradition, 1606-1853" is documented by Patrick Henry, Ralph Waldo Emerson, First Charter of Virginia, and The Declaration of Sentiments of the American Anti-Slavery Society. A. Lincoln, F. D. Roosevelt, and J. F. Kennedy are quoted in "Toward Realization: The United States, 1863-1968." "Toward Universal Fulfillment: The United Nations, 1942-1968" includes quotations from John Foster Dulles, Adlai Stevenson, and The Declaration on Population by World Leaders. (AV)

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UNFOLDING OF THE AMERICAN TRADITION

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. . . unfolding of the American Tradition

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THE PRESIDENT'S COMMISSION FOR THE
OBSERVANCE OF HUMAN RIGHTS YEAR 1968

1776

THE DECLARATION OF INDEPENDENCE:

"We hold these truths
to be self-evident,

that all men are created
equal,

that they are endowed
by their Creator with
certain unalienable
Rights,

that among these are
Life, Liberty and the
Pursuit of Happiness."

1948

UNIVERSAL DECLARATION OF HUMAN RIGHTS:

" . . . recognition
of the inherent dignity
and of the equal and
inalienable rights
of all members of the
human family
is the foundation
of freedom, justice
and
peace in the world . . ."

**COMPILED BY THE HISTORICAL OFFICE, BUREAU OF PUBLIC AFFAIRS
U.S. DEPARTMENT OF STATE 1968**

Foreword

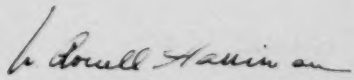
Our country was founded on enduring principles of political liberty and human rights. Our Constitution, our laws, our courts preserve these rights. Our Government is dedicated to enlarging them for all Americans.

Today we recognize that human rights include economic and social rights as well as political rights. This means jobs, medical care, adequate housing, an end to discrimination, and a decent environment for human life. Above all it means the right to education. With education men can gain the ability—and the responsibility—to exercise the rights which have been won.

As President Johnson has said, "Thus it is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates."

What we have learned in our country is true for the world. Political rights and freedoms are fundamental. Economic and social rights are needed for the full attainment of human dignity.

Twenty years ago the Universal Declaration of Human Rights proclaimed: "All human beings are born free and equal in dignity and rights." The words echo the central thoughts of our own Declaration of Independence and Bill of Rights, and of other great statements of human rights. This booklet records the documents that have proclaimed human freedom through the ages, and is issued as a contribution to International Human Rights Year – 1968.



W. AVERELL HARRIMAN
Chairman, The President's Commission for the Observance of Human Rights Year 1968

Introduction

LIBERTY: THEME WITH VARIATIONS

When President Johnson on January 30, 1968, issued an Executive order establishing the President's Commission for the Observance of Human Rights Year 1968, he stated that the Commission can

> "enlarge our people's understanding of the principles of human rights as expressed in the Universal Declaration and the Constitution and in the laws of the United States . . ."

The Commission decided that one way to fulfill the directive would be to publish the historic record that lies behind our own American tradition and behind the Universal Declaration of Human Rights.

This booklet provides an enthralling record of the documents and speeches that have set human beings free over the centuries. The theme is always liberty, but there are many variations. A commentary by Montesquieu in 1748 about these variations has a surprisingly contemporary ring:

> There is not a single word that has been more variously interpreted and which has meant more things to more men than that of liberty. Some have taken it to mean the ease with which they may depose the person to whom they have given the powers of a tyrant; others, to mean the capacity to elect the person whom they must obey; others, to mean the right to bear arms and to do violence; some others, to mean the privilege to be governed only by a fellow citizen of their country or by their own laws. There

> is a people which for a long time understood liberty to mean the custom of wearing long beards. Still others have given this name to one form of government and have excluded all others. Those who have tasted republican government have taken that government to be liberty: those who have tasted monarchy have seen liberty in monarchy. In brief, each person has called by the name of liberty the government which suited his customs and his desires . . . .*

In earlier times, as this booklet shows, human rights meant freedom from the tyranny of a Monarch. Later, human rights meant that no Executive or Legislature could take away the inalienable liberties of the individual. In our Twentieth Century human rights mean, in a much more positive sense, that everyone is entitled not only to those civil and political rights, but also to economic, social, and cultural rights.

What is also inspiring, and saddening, in this record is that men one century after another have had to die on behalf of freedom. Our ancestors and our contemporaries have died for the freedom of their country and, often, for their own individual freedom. Dr. Martin Luther King, Jr. and Senator Robert F. Kennedy, whose eloquence enhances this booklet, are the latest of the gallant heroes who throughout history have spoken, acted, and died for their fellowmen.

On the Twentieth Anniversary of the Universal Declaration of Human Rights, nothing could be more fitting than to recall the ideas that preceded and influenced that great document, the first statement by the world community of its standards and its goals. The Commission hopes that this booklet will prove of permanent use to all Americans and others who are concerned about respect for human rights and fundamental freedoms everywhere.

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*Montesquieu, *De l'esprit des Lois*, (Paris: Editions Garnier Frères, 1949) tome I, pp. 161-162, (translation).

The Commission is indebted to the Historical Office, Department of State, especially Mr. Allen H. Kitchens, for preparing the text. The booklet is a revision and updating of a publication of the Department of State, *Human Rights. Unfolding of the American Tradition*, 1949, which was compiled by Miss Letitia Lewis.

It should be noted that the date given in the heading of each item is that of the document or statement, and not in the case of individuals, that of the man's life.

CONTENTS

The Classical Origins

The European Background

The American Tradition, 1606–1853

Toward Realization: The United States, 1863–1968

Toward Universal Fulfillment: The United Nations, 1942–1968

CONTENTS

Part I

THE CLASSICAL ORIGINS

		Page
Pericles	430 BC	*1*
Plato	ca. 390–370 BC	*2*
Aristotle	ca. 347–322 BC	*2*
Cicero	54 BC	*3*

Part II

THE EUROPEAN BACKGROUND

Magna Carta	1215	*4*
English Petition of Right	1628	*6*
John Milton	1644	*9*
Agreement of the People of England	1647	*9*
Habeas Corpus Act of the British Parliament	1679	*11*
English Bill of Rights	1689	*11*
John Locke	1690	*13*
Charles, Baron de Montesquieu	1748	*14*
Jean Jacques Rousseau	1762	*15*
Francois M. A. de Voltaire	1763	*16*
Edmund Burke	1783	*16*
French Declaration of the Rights of Man and of the Citizen	1789	*17*
John Stuart Mill	1859	*20*

Part III

THE AMERICAN TRADITION, 1606–1853

First Charter of Virginia	1606	*21*
Massachusetts Body of Liberties	1641	*22*

		Page
Roger Williams	1644	24
Maryland Toleration Act	1649	25
Rhode Island Colonial Charter	1663	25
Resolutions of Germantown Mennonites	1688	26
Pennsylvania Charter of Privileges	1701	27
Samuel Adams	1772	29
Declaration and Resolves of the First Continental Congress	1774	29
Letter from the First Continental Congress to the People of Quebec	1774	32
Patrick Henry	1775	33
Thomas Jefferson	1774–1824	33
Virginia Declaration of Rights	1776	35
Declaration of Independence	1776	36
Articles of Confederation	1777	37
Virginia Statute of Religious Liberty	1786	38
Northwest Ordinance	1787	39
Constitution of the United States and the Bill of Rights	1788–1791	41
George Washington	1790	44
Thomas Paine	1791	45
Virginia and Kentucky Resolutions	1798	45
Treaty Ceding Louisiana	1803	46
Andrew Jackson	1832	47
The Declaration of Sentiments of the American Anti-Slavery Society	1833	48
Texas Declaration of Rights	1836	49
Ralph Waldo Emerson	1844	50
William Lloyd Garrison	1853	51

Part IV

TOWARD REALIZATION: THE UNITED STATES, 1863–1968

		Page
Emancipation Proclamation	1863	52
Abraham Lincoln	1863	53
Amendments to the Constitution of the United States	1865–1964	53
William Lloyd Garrison	1867	54
Susan B. Anthony	1870–1880	54
Ralph Waldo Emerson	1878	54
Elizabeth Cady Stanton	1884	55
Wyoming Constitution	1889	56
Theodore Roosevelt	1903–1910	57
Puerto Rican Bill of Rights	1917	57
Woodrow Wilson	1917	60
Oliver Wendell Holmes	1919	60
International Convention to Suppress Slave Trade and Slavery	1926	61
Charles Evans Hughes	1937	62
Franklin D. Roosevelt	1936–1941	63
Wendell L. Willkie	1940	64
Atlantic Charter	1941	65
An Economic Bill of Rights	1944	66
Learned Hand	1944	68
Four-Power Agreement on Crimes Against Humanity	1945	69
Peace Treaties with Bulgaria, Hungary, Italy, and Romania	1947	70
Norman M. Thomas	1947	71
Harry S. Truman	1948	72
American Declaration of the Essential Rights and Duties of Man	1948	73

		Page
Executive Order Establishing the President's Committee on Equality of Treatment and Opportunity in the Armed Services	1948	77
Dwight D. Eisenhower	1953	78
Brown v. Board of Education of Topeka	1954	79
Mrs. Franklin D. Roosevelt	1958	81
John F. Kennedy	1962–1963	81
Martin Luther King, Jr.	1963	84
Lyndon B. Johnson	1964–1965	86
Robert F. Kennedy	1968	88
Rights of Indians	1968	88

Part V

TOWARD UNIVERSAL FULFILLMENT: THE UNITED NATIONS, 1942–1968

Declaration by United Nations	1942	91
Dumbarton Oaks Proposals	1944	91
Charter of the United Nations	1945	92
Harry S. Truman	1945–1949	94
George C. Marshall	1948	95
Mrs. Franklin D. Roosevelt	1948	96
Universal Declaration of Human Rights	1948	98
Benjamin V. Cohen	1949	106
Philip C. Jessup	1949	108
John Foster Dulles	1953	109
Dwight D. Eisenhower	1953	109
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	1956	110
Mrs. Oswald B. Lord	1958	112

		Page
Henry Cabot Lodge, Jr.	1960	*113*
Adlai E. Stevenson	1963	*114*
Dean Rusk	1964	*115*
Franklin H. Williams	1964	*116*
Arthur J. Goldberg	1965–1966	*117*
International Convention on the Elimination of All Forms of Racial Discrimination	1965	*117*
Declaration on Population by World Leaders	1966	*119*
Roy Wilkins	1968	*121*
Proclamation of Teheran	1968	*123*
Lyndon B. Johnson	1968	*124*

16

PART I

The Classical Origins

Pericles

430 B.C.

. . . we are called a democracy, for the administration is in the hands of the many and not of the few. But while the law secures equal justice to all alike in their private disputes, the claim of excellence is also recognized; and when a citizen is in any way distinguished, he is preferred . . . not as a matter of privilege, but as the reward of merit. Neither is poverty a bar, but a man may benefit his country whatever be the obscurity of his condition. There is no exclusiveness in our public life, and in our private intercourse we are not suspicious of one another, nor angry with our neighbor if he does what he likes; we do not put on sour looks at him which, though harmless, are not pleasant. . . .

Our city is thrown open to the world, and we never expel a foreigner or prevent him from seeing or learning anything . . .

The great impediment to action is . . . not discussion, but the want of that knowledge which is gained by discussion, preparatory to action. . . .

Funeral oration over dead Athenian warriors, 430 B.C.; *Thucydides*, translated by Benjamin Jowett (Oxford: At the Clarendon Press, 1900; 2d ed., revised; 2 vols.), vol. I, pp. 127–130.

Plato

ca. 390–370 B.C.

. . . our aim in founding the State was not the disproportionate happiness of any one class, but the greatest happiness of the whole; we thought that in a State which is ordered with a view to the good of the whole we should be most likely to find justice, and in the ill-ordered State injustice: . . .

These and other kindred characteristics are proper to democracy, which is a charming form of government, full of variety and disorder, and dispensing a sort of equality to equals and unequals alike. . . .

Plato, *The Republic*, translated by Benjamin Jowett (New York: Random House, Modern Library ed. [1953]), pp. 129, 312.

Aristotle

ca. 347–322 B.C.

. . . the members of a state, if they are truly citizens, ought to participate in its advantages. . . .

The basis of a democratic state is liberty; which, according to the common opinion of men, can only be enjoyed in such a state. . . .

Aristotle, *Politics*, translated by Benjamin Jowett (New York: Modern Library, 1943), pp. 139, 260.

Cicero

54 B.C.

. . . in no other state, save where the power of the people predominates, has liberty any home. Liberty the sweetest of all blessings, and which if it is not equal for all, is not liberty. . . .

Cicero, *The Republic*, translated by G. W. Featherstonhaugh (New York: G. and C. Carvill, 1829), p. 60.

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PART II

The European Background

Magna Carta

1215

♦ The provisions of the Great Charter to which King John of England gave his assent on June 15, 1215 were not original grants of liberties. The Magna Carta did, however, give those liberties and rights legal status. While many of the provisions of the Magna Carta pertain to feudal rights and the relations of the king with the barons, the document still stands as a milestone in the development of such concepts as due process of law, trial by jury, freedom from unreasonable searches and seizures, and freedom of movement.

John, by the grace of God, king of England, lord of Ireland, duke of Normandy and Aquitaine, count of Anjou, to the archbishops, bishops, abbotts, earls, barons, justiciars, foresters, sheriffs, reeves, servants, and all bailiffs and his faithful people greeting. Know that by the suggestion of God and for the good of our soul and those of all our predecessors and of our heirs, to the honor of God and the exaltation of holy church, and the improvement of our kingdom, by the advice of our venerable fathers . . . and others of our faithful.

1. In the first place we have granted to God, and by this our present charter confirmed, for us and our heirs forever, that the English church shall be free, and shall hold its rights entire and its liberties uninjured; . . .

We have granted moreover to all free men of our kingdom for us and our heirs forever all the liberties written below,

to be had and holden by themselves and their heirs from us and our heirs.

. . . . . .

38. No bailiff for the future shall put any one to his law on his simple affirmation, without credible witnesses brought for this purpose.

39. No free man shall be taken or imprisoned or dispossessed, or outlawed, or banished, or in any way destroyed, nor will we go upon him, nor send upon him, except by the legal judgment of his peers or by the law of the land.

40. To no one will we sell, to no one will we deny, or delay right or justice.

41. All merchants shall be safe and secure in going out from England and coming into England and in remaining and going through England, as well by land as by water, for buying and selling, free from all evil tolls, by the ancient and rightful customs, except in time of war, and if they are of a land at war with us; and if such are found in our land at the beginning of war, they shall be attached without injury to their bodies or goods, until it shall be known from us or from our principal justiciar in what way the merchants of our land are treated who shall be then found in the country which is at war with us; and if ours are safe there, the others shall be safe in our land.

42. It is allowed henceforth to any one to go out from our kingdom, and to return, safely and securely, by land and by water, saving their fidelity to us, except in time of war for some short time, for the common good of the kingdom; excepting persons imprisoned and outlawed according to the law of the realm, and people of a land at war with us, and merchants, of whom it shall be done as is before said.

. . . . . .

60. Moreover, all those customs and franchises mentioned above which we have conceded in our kingdom, and which are to be fulfilled, as far as pertains to us, in respect to our men; all men of our kingdom as well clergy as laymen, shall observe as far as pertains to them, in respect to their men.

. . . . . .

63. Wherefore we will and firmly command that the Church of England shall be free, and that the men in our kingdom shall have and hold all the aforesaid liberties, rights and concessions, well and peacefully, freely and quietly, fully and completely, for themselves and their heirs, from us and our heirs, in all things and places, forever, as before said. It has been sworn, moreover, as well on our part as on the part of the barons, that all these things spoken of above shall be observed in good faith and without any evil intent. Witness the above named and many others. Given by our hand in the meadow which is called Runnymede, between Windsor and Staines, on the fifteenth day of June, in the seventeenth year of our reign.

George B. Adams and H. Morse Stephens, *Select Documents of English Constitutional History* (New York: The Macmillan Co., 1901), pp. 42-52.

English Petition of Right

1628

♦ In 1628 the English people, through their representatives in Parliament, stated their grievances in the form of a *Petition of Right*, to which the King acceded.

To the King's Most Excellent Majesty . . . whereas it is declared and enacted by a statute made in the time of the reign of King Edward the First, . . . that no tallage or aid*

shall be laid or levied by the King or his heirs in this realm, without the goodwill and assent of the Archbishops, Bishops, Earls, Barons, Knights, Burgesses, and other the freemen of the commonality of this realm: and by authority of the Parliament . . . [in] the reign of King Edward the Third, it is declared and enacted, that from thenceforth no person shall be compelled to make any loans to the King against his will, . . .

Yet nevertheless . . . your people have been in divers places assembled, and required to lend certain sums of money to your Majesty; . . .

And where also by the statute called, "The Greater Charter of the Liberties of England," it is declared and enacted that no freeman may be taken or imprisoned or be disseised[†] of his freehold or liberties, or his free customs, or be outlawed or exiled or in any manner destroyed, but by the lawful judgment of his peers, or by the law of the land:

And in . . . the reign of King Edward the Third, it was declared and enacted by authority of Parliament that no man of what estate or condition that he be, should be put out of his lands or tenements, nor taken, nor imprisoned, nor disinherited, nor put to death, without being brought to answer by due process of law:

Nevertheless, . . . divers of your subjects have of late been imprisoned without any cause showed, . . . but that they were detained by your Majesty's special command, . . . without being charged with anything to which they might make answer according to the law.

And whereas . . . great companies of soldiers and mariners have been dispersed into divers counties of the realm, and the inhabitants against their wills have been compelled to receive them into their houses. . . .

And whereas also . . . it is declared and enacted that no man should be forejudged of life or limb against the form of the Great Charter and the law of the land: . . . nevertheless of late divers commissions . . . have issued forth, by which certain persons have been assigned and appointed Commissioners with power and authority to proceed within the land, according to the justice of martial law . . .

By pretext whereof some of your Majesty's subjects have been by some of the said Commissioners put to death . . .

. . . upon pretence that the said offenders were punishable only by martial law . . . which commissions . . . are wholly and directly contrary to the said laws and statutes of this your realm.

They [your subjects] do therefore humbly pray your Most Excellent Majesty that no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge without common consent by Act of Parliament; and that none be called to make answer, or take such oath, or give attendance, or be confined, or otherwise molested or disquieted concerning the same, or for refusal thereof; and that no freeman . . . be imprisoned or detained; and that your Majesty will be pleased to remove the said soldiers and mariners, and that your people may not be so burdened in time to come; and that the aforesaid commissions for proceeding by martial law, may be revoked and annulled; and that hereafter no commissions of like nature may issue forth . . .

. . . and that your majesty would also vouchsafe to declare that the awards, doings, and proceedings to the prejudice of your people, in any of the premises, shall not be drawn hereafter into consequence or example: and that your Majesty would be also graciously pleased, for the further comfort and safety of your people, to declare your royal

will and pleasure, that in the things aforesaid all your officers and ministers shall serve you, according to the laws and statutes of this realm, as they tender the honour of your Majesty and the prosperity of this kingdom.

Adams and Stephens, pp. 339-342.

*Varieties of taxes.
†Deprived.

John Milton

1644

. . . this is not the liberty which we can hope, that no grievance ever should arise in the commonwealth: that let no man in this world expect; but when complaints are freely heard, deeply considered, and speedily reformed, then is the utmost bound of civil liberty obtained that wise men look for. . . .

Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties. . . .

John Milton, *Areopagitica and Other Prose Writings* (New York: The Macmillan Co., 1917), pp. 4, 58.

Agreement of the People of England

1647

♦ During the political debates leading up to the Second Civil War in England, a group of independents known as Levellers drew up a document called the *Agreement of the People*, which they presented to the Army Council on October 28, 1647. The *Agreement* was presented as a manifesto to the House of Commons in the name of the Army on January 15–20, 1648.

. . . the power of this [Parliament], and all future Representatives of this Nation, is inferior only to theirs who choose them, and doth extend . . . generally, to whatsoever is not expressly or impliedly reserved by the represented to themselves:

Which are as followeth.

1. That matters of religion and the ways of God's worship are not at all entrusted by us to any human power, because therein we cannot remit a tittle of what our consciences dictate to be the mind of God without wilful sin: nevertheless the public way of instructing the nation (so it be not compulsive) is referred to their discretion.

2. That the matter of impresting and constraining any of us to serve in the wars is against our freedom . . .

3. That after the dissolution of this present Parliament, no person be at any time questioned for anything said or done in reference to the late public differences, otherwise than in execution of the judgments of the present Representatives of House of Commons.

4. That in all laws made or to be made every person may be bound alike, and that no tenure, estate, charter, degree, birth, or place do confer any exemption from the ordinary course of legal proceedings whereunto others are subjected.

5. That as the laws ought to be equal, so they must be good, and not evidently destructive to the safety and well-being of the people.

These things we declare to be our native rights, and therefore are agreed and resolved to maintain them . . .

Samuel R. Gardiner, editor, *The Constitutional Documents of the Puritan Revolution, 1625–1660* (Oxford: At the Clarendon Press, 1899; 2d ed.), pp. 334–335.

Habeas Corpus Act of the British Parliament

1679

♦ The Magna Carta and subsequent documents gave the English people written guarantees of liberty. These guarantees, however, were not entirely efficacious because there was no stringent procedure for ensuring their application. The Habeas Corpus Act of 1679 remedied that weakness in part by supplying a precise mechanism whereby a person committed to imprisonment would be assured of a speedy trial by a lawful court according to the law of the land.

. . . be it enacted . . . that, whensoever any person . . . shall bring any habeas corpus . . . unto any sheriff . . ., gaoler, minister, or other person . . . the said officer . . . shall within three days* . . . bring or cause to be brought the body of the party . . . committed or restrained . . . before the lord chancellor, or lord keeper of the great seal of England . . . or the judges or the barons . . . or . . . before such other person . . . before whom the said writ is made returnable . . . and shall then . . . certify the true causes of his detainer or imprisonment; . . .

Adams and Stephens, pp. 440–448.

*If the place of commitment was more than 20 but not over 100 miles from the court, 10 days were allowed; for a distance above 100 miles, 20 days.

English Bill of Rights

1689

♦ In December 1688 King James II of England abdicated. The convention which called William and Mary to the throne drew up a document imposing certain limitations upon the new sovereigns. This document was approved by both Houses of Parliament, accepted by William and Mary, and formally enacted. Originally a revolutionary instrument, drawn up by an irregular convention, it thus acquired the binding

force of law and became one of the fundamental charters of political liberties for English-speaking people.

. . . whereas the late king James the Second . . . did endeavor to subvert and extirpate the Protestant religion and the laws and liberties of this kingdom.

. . . and whereas the said late king James the Second having abdicated the government and the throne being thereby vacant, His Highness the Prince of Orange . . . did . . . by the advice of the lords spiritual and temporal and divers principal persons of the commons . . . cause letters to be written . . . for the choosing of such persons . . . as were of right to be sent to parliament, to meet and sit at Westminster . . . in order to [provide] such an establishment as that their religion, laws, and liberties might not again be in danger of being subverted, . . .

. . . the said lords spiritual and temporal and commons, . . . being now assembled . . . do in the first place (as their ancestors in like case have usually done) for the vindicating and asserting their ancient rights and liberties, declare:

That the pretended power of suspending of laws or the execution of laws by regal authority . . . is illegal.

That the pretended power of dispensing with laws or the execution of laws by regal authority . . . is illegal.

That the commission for erecting the late court of commissioners for ecclesiastical cause and all other commissions and courts of like nature are illegal and pernicious.

That the levying money for or to the use of the crown . . . without grant of parliament . . . is illegal.

That it is the right of the subjects to petition the king and all commitments and prosecutions for such petitioning are illegal.

28

That the raising or keeping a standing army within the kingdom in time of peace unless it be with consent of parliament is against law.

That the subjects which are Protestants may have arms for their defence suitable to their conditions and as allowed by law.

That election of members of parliament ought to be free.

That the freedom of speech and debates or proceedings in parliament ought not to be impeached or questioned in any court or place out of parliament.

That excessive bail ought not to be required nor excessive fines imposed nor cruel and unusual punishments inflicted.

That jurors ought to be duly impanelled and returned and jurors which pass upon men in trials for high treason ought to be freeholders.

That all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void.

And that for redress of all grievances and for the amending strengthening and preserving of the laws parliaments ought to be held frequently.

And they do claim, demand, and insist upon all and singular the premises as their undoubted rights and liberties and that no declarations, judgments, doings, or proceedings to the prejudice of the people in any of the said premises ought in any wise to be drawn hereafter into consequence or example . . .

Adams and Stephens, pp. 462–469.

John Locke

1690

. . . The liberty of man in society is to be under no other legislative power but that established by consent in the com-

monwealth; nor under the dominion of any will or restraint of any law, but what that legislative [power] shall enact according to the trust put in it. . . . freedom of men under government is to have a standing rule to live by, common to every one of that society, and made by the legislative power erected in it . . .

Men being, as has been said, by nature all free, equal, and independent, no one can be put out of this estate, and subjected to the political power of another, without his own consent . . . which . . . is by agreeing with other men to join and unite into a community for their comfortable, safe and peaceable living one amongst another . . . .

Any one may employ as many exhortations and arguments as he please, towards the promoting of another man's salvation. But all force and compulsion are to be forborne. . . . Every man in that [religion] has the supreme and absolute authority of judging for himself. . . .

John Locke, *The Second Treatise of Civil Government and A Letter Concerning Toleration*, edited by J. W. Gough (Oxford: Basil Blackwell, 1946), pp. 13, 48, 151–152.

Charles, Baron de Montesquieu

1748

. . . The political liberty of the subject is a tranquility of mind arising from the opinion each person has of his safety. In order to have this liberty, it is requisite the government be so constituted that one man need not be afraid of another. . . .

As in a country of liberty, every man who is supposed a free agent, ought to be his own governor; the legislative power should reside in the whole body of the people. . . .

Liberty is in its perfection when criminal laws derive each punishment from the particular nature of the crime. There are then no arbitrary decisions; the punishment does not flow from the capriciousness of the legislator, but from the very nature of the thing; and man uses no violence to man. . . .

Baron de Montesquieu, *The Spirit of the Laws*, translated by Thomas Nugent (London: printed by T. C. Hansard for J. Collingwood and others, 1823; 2 vols.), vol. I, pp. 152, 154, 184.

Jean Jacques Rousseau

1762

. . . To renounce our liberty is to renounce our quality of man, and with it all the rights and duties of humanity. . . . Such a renunciation is incompatible with man's nature; for to take away all freedom from his will is to take away all morality from his actions. . . .

If we ask precisely wherein consists the greatest good of all, which ought to be the aim of every system of legislation, we shall find that it is summed up in two objects, *liberty* and *equality*—liberty, because any individual dependence is so much force withdrawn from the body of the State; equality, because liberty cannot subsist without it. . . .

Jean Jacques Rousseau, *The Social Contract*, translated by Henry J. Tozer (London: George Allen and Unwin, [1924]; 7th ed.), pp. 105, 145.

Francois M. A. de Voltaire

1763

. . . toleration has never yet excited civil wars, whereas its opposite has filled the earth with slaughter and desolation. . . .

May all men remember that they are brethren! May they alike abhor that tyranny which seeks to subject the freedom of the will . . .

"Treatise on Toleration"; *The Works of Voltaire* (Paris, New York, [etc.]: E. R. DuMont, [1901]; 42 vols.), vol. IV, pp. 153, 278.

Edmund Burke

1783

. . . The rights of men—that is to say, the natural rights of mankind—are indeed sacred things; and if any public measure is proved mischievously to affect them, the objection ought to be fatal to that measure . . . If these natural rights are farther affirmed and declared by express covenants, if they are clearly defined and secured against chicane, against power and authority, by written instruments and positive engagements, they are in a still better condition . . . Indeed, this formal recognition, by the sovereign power, of an original right in the subject, can never be subverted but by rooting up the radical principles of government, and even of society itself. . . .

Speech on the East India Bill, Dec. 1, 1783; *The Works of . . . Edmund Burke* (London: John C. Nimmo, 1899; 12 vols.), vol. 2, p. 437.

32

French Declaration of the Rights of Man and of the Citizen

1789

♦ The National Assembly of France adopted this declaration during the revolution in 1789. It was elaborated later and prefixed to the first republican constitution of France, which was adopted on September 3, 1791 and proclaimed on June 24, 1793. The declaration represented the culmination of many years of thought about human rights and served as an inspiration for other nations, including the United States, as they established and developed democratic governments.

The representatives of the people of France, formed into a National Assembly, considering that ignorance, neglect, or contempt of human rights, are the sole causes of public misfortunes and corruptions of Government, have resolved to set forth in a solemn declaration, these natural, imprescriptible, and inalienable rights; that this declaration being constantly present to the minds of the members of the body social, they may be ever kept attentive to their rights and their duties; that the acts of the legislative and executive powers of Government, being capable of being every moment compared with the end of political institutions, may be more respected; and also, that the future claims of the citizens, being directed by simple and incontestable principles, may always tend to the maintenance of the Constitution, and the general happiness.

For these reasons the NATIONAL ASSEMBLY doth recognize and declare, in the presence of the Supreme Being, and with the hope of his blessing and favor, the following *sacred* rights of men and of citizens:

I. *Men are born, and always continue, free and equal in respect of their rights. Civil distinctions, therefore, can be founded only on public utility.*

II. *The end of all political associations is the preservation of the natural and imprescriptible rights of man; and these rights are liberty, property, security, and resistance of oppression.*

III. *The Nation is essentially the source of all sovereignty; nor can any* INDIVIDUAL, *or* ANY BODY OF MEN *be entitled to any authority which is not expressly derived from it.*

IV. Political Liberty consists in the power of doing whatever does not injure another. The exercise of the natural rights of every man has no other limits than those which are necessary to secure to every *other* man the free exercise of the same rights; and these limits are determinable only by the law.

V. The law ought to prohibit only actions hurtful to society. What is not prohibited by the law should not be hindered; nor should anyone be compelled to that which the law does not require.

VI. The law is an expression of the will of the community. All citizens have a right to concur, either personally or by their representatives, in its formation. It should be the same to all, whether it protects or punishes; and all, being equal in its sight, are equally eligible to all honors, places, and employments, according to their different abilities, without any other distinction than that created by their virtues and talents.

VII. No man should be accused, arrested, or held in confinement, except in cases determined by the law, and according to the forms which it has prescribed. All who promote, solicit, execute, or cause to be executed, arbitrary orders, ought to be punished, and every citizen called upon, or apprehended by virtue of the law, ought immediately to obey, and renders himself culpable by resistance.

VIII. The law ought to impose no other penalties but such as are absolutely and evidently necessary; and no one ought to be punished, but in virtue of a law promulgated before the offense, and legally applied.

IX. Every man being presumed innocent till he has been convicted, whenever his detention becomes indispensable, all rigor to him, more than is necessary to secure his person, ought to be provided against by the law.

X. No man ought to be molested on account of his *religious* opinions, provided his avowal of them does not disturb the public order established by the law.

XI. The unrestrained communication of thoughts and opinions being one of the most precious Rights of Man, every citizen may speak, write, and publish freely, provided he is responsible for the abuse of this liberty, in cases determined by law.

XII. A public force being necessary to give security to the Rights of Men and of citizens, that force is instituted for the benefit of the community and not for the particular benefit of the persons with whom it is intrusted.

XIII. A common contribution being necessary for the support of the public force, and for defraying the other expenses of Government, it ought to be divided equally among the members of the community, according to their abilities.

XIV. Every citizen has a right, either by himself or his representative, to a free voice in determining the necessity of public contributions, the appropriation of them, and their amount, mode of assessment, and duration.

XV. Every community has a right to demand of all its agents an account of their conduct.

XVI. Every community in which a separation of powers and a security of rights is not provided for, wants a Constitution.

XVII. The right to property being inviolable and sacred,

112-899 O - 58 - 3

no one ought to be deprived of it, except in cases of evident public necessity, legally ascertained, and on condition of a previous just indemnity.

English translation incorporated in Thomas Paine, *The Rights of Man*. See Moncure Daniel Conway, editor, *The Writings of Thomas Paine* (New York: G. P. Putnam's Sons, 1894; 2 vols.), vol. 2, pp. 351-353. For slightly different translation, see Frank M. Anderson, editor, *The Constitutions and Other Select Documents Illustrative of the History of France, 1789-1901* (Minneapolis: The H. W. Wilson Co., 1904), pp. 58-60.

John Stuart Mill

1859

. . . the appropriate region of human liberty . . . comprises, first, the inward domain of consciousness; demanding liberty of conscience . . . liberty of thought and feeling; absolute freedom of opinion and sentiment on all subjects, practical or speculative, scientific, moral, or theological. The liberty of expressing and publishing opinions . . . being almost of as much importance as the liberty of thought. . . . Secondly . . . liberty of tastes and pursuits . . . so long as what we do does not harm our [fellow creatures] . . . Thirdly . . . the liberty . . . of combination among individuals . . . No society in which these liberties are not, on the whole, respected, is free, whatever may be its form of government; . . .

If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind. . . .

John Stuart Mill, *On Liberty* (New York: Henry Holt and Co., 1873), pp. 23-28, 35.

PART III

The American Tradition, 1606–1853

First Charter of Virginia

1606

♦ The charter to the Virginia Company, granted by King James I on April 10, 1606, provided for the incorporation of two companies: the London Company and the Plymouth Company. Under this charter, the London Company established at Jamestown on May 14, 1607, the first permanent English colony on the mainland of North America.

. . . Alsoe wee doe, for us, our heires and successors, declare by theise presentes that all and everie the persons being our subjects which shall dwell and inhabit within everie or anie of the saide severall Colonies and plantacions and everie of theire children which shall happen to be borne within the limitts and precincts of the said severall Colonies and plantacions shall have and enjoy all liberties, franchises and immunites within anie of our other dominions to all intents and purposes as if they had been abiding and borne within this our realme of Englande or anie other of our saide dominions. . . .

The Three Charters of the Virginia Company of London (Williamsburg, Va.: Virginia 350th Anniversary Celebration Corporation, 1957), pp. 1–12.

Massachusetts Body of Liberties

1641

♦ The Body of Liberties, adopted in December 1641 by the General Court of Massachusetts, marked a distinct advance on the prevailing practice of the time. Magistrates were no longer permitted to inflict punishment at their discretion, but only on the basis of specific law.

The free fruition of such liberties Immunities and priviledges as humanitie, Civilitie, and Christianitie call for as due to every man in his place and proportion; without impeachment and Infringement hath ever bene and ever will be the tranquillitie and Stabilitie of Churches and Commonwealths. And the deniall or deprivall thereof, the disturbance if not the ruine of both. . . .

1. No mans life shall be taken away, no mans honour or good name shall be stayned, no mans person shall be arested, restrayned, banished, dismembred, nor any wayes punished, no man shall be deprived of his wife or children, no mans goods or estaite shall be taken away from him, nor any way indammaged under Coulor of law, or Countenance of Authoritie, unlesse it be by vertue or equitie of some expresse law of the Country warranting the same, . . .

2. Every person within this Jurisdiction, whether Inhabitant or forreiner shall enjoy the same justice and law, that is generall for the plantation, which we constitute and execute one towards another, without partialitie or delay.

. . . . . .

12. Every man whether Inhabitant or fforreiner, free or not free shall have libertie to come to any publique Court, Councell, or Towne meeting, and either by speech or writeing to move any lawfull, reasonable, and materiall question, or to present any necessary motion, complaint, petition, Bill or information, whereof that meeting hath proper cognizance,

so it be done in convenient time, due order, and respective manner.

. . . . . .

17. Every man of or within this Jurisdiction shall have free libertie, not with standing any Civill power to remove both himselfe, and his familie at their pleasure out of the same, provided there be no legall impediment to the contrarie.

. . . . . .

66. The Freemen of everie Towneship shall have power to make such by laws and constitutions as may concerne the wellfare of their Towne, provided they be not of a Criminall. but onely of a prudentiall nature, . . .

67. It is the constant libertie of the freemen of this plantation to choose yearly at the Court of Election out of the freemen all the Generall officers of this Jurisdiction. . . .

. . . . . .

80. Everie marryed woeman shall be free from bodilie correction or stripes by her husband, unlesse it be in his owne defence upon her assalt. If there be any just cause of correction complaint shall be made to Authoritie assembled in some Court, from which onely she shall receive it.

. . . . . .

85. If any servants shall flee from the Tiranny and crueltie of their masters to the howse of any freeman of the same Towne, they shall be there protected and susteyned till due order be taken for their relife.

. . . . . .

91. There shall never be any bond slaverie villinage or Captivitie amongst us, unles it be lawfull Captives taken in just warres, and such strangers as willingly selle themselves or are sold to us. And these shall have all the liberties and Christian usages which the law of god established in Israell

concerning such persons doeth morally require. This exempts none from servitude who shall be judged thereto by Authoritie. . . .

William MacDonald, editor, *Select Charters and Other Documents Illustrative of American History, 1606-1775* (New York: The Macmillan Company, 1910), pp. 72-91.

Roger Williams

1644

. . . It is the will and command of God, that . . . a *permission* of the most *Paganish, Jewish, Turkish,* or *Antichristian consciences* and *worships,* bee granted to *all* men in all *Nations* and *Countries:* and they are onely to bee *fought* against with that *Sword* which is onely (in *Soule matters*) *able* to *conquer,* to wit, the *Sword* of *God's Spirit,* the *Word* of *God.* . . .

God requireth not an *uniformity* of *Religion* to be *inacted* and *inforced* in any *civill state;* which inforced *uniformity* (sooner or later) is the greatest occasion of *civill Warre, ravishing* of *conscience, persecution* of *Christ Jesus* in his servants, and of the *hypocrisie* and *destruction* of *millions* of *souls.*

. . . true *civility* and *Christianity* may both flourish in a *state* or *Kingdome,* notwithstanding the *permission* of divers and contrary *consciences,* either of *Jew* or *Gentile.* . . .

Roger Williams, *The Bloudy Tenent of Persecution,* edited by Samuel L. Caldwell (Providence, R.I.: Publications of the Narragansett Club, vol. III, 1867), pp. 3-4.

Maryland Toleration Act

1649

♦ The Toleration Act which the Catholic colony of Maryland adopted on April 21, 1649 was the first law on religious liberty to emanate from a legally constituted legislature in America. This act was designed to secure the Maryland colony from the charge of intolerance toward Protestantism.

Fforeasmuch as in a well governed and Christian Common Wealth matters concerning Religion and the honour of God ought in the first place to bee taken, into serious consideration and endeavored to be settled. Be it therefore . . . enacted . . . that noe person or persons whatsoever within this Province, or the Islands, Ports, Harbors, Creekes, or havens thereunto belonging professing to believe in Jesus Christ, shall from henceforth bee any waies troubled, Molested or discountenanced for or in respect of his or her religion nor in the free exercise thereof . . . nor any way compelled to the beliefe or exercise of any other Religion against his or her consent, . . .

Henry S. Commager, editor, *Documents of American History* (New York: Appleton-Century-Crofts, Inc., 1958; 6th ed., 2 vols. in one), vol. I, pp. 31–32.

Rhode Island Colonial Charter

1663

♦ The charter which the Rhode Island colonists obtained from Charles II of England on July 8, 1663, formed the basis of their government until the present constitution was adopted in 1842. It provided for full religious liberty to all.

. . . whereas . . . they [the colonists] have ffreely declared . . . that a most flourishing civill state may stand and

best bee maintained . . . with a full libertie in religious concernements; and that true pietye rightly grounded upon gospell principles, will give the best and greatest security to sovereignetye, and will lay in the hearts of men the strongest obligations to true loyaltye: Now know yee, that wee beinge willinge to . . . secure them in the free exercise and enjoyment of all theire civill and religious rights . . . and to preserve unto them that libertye, in the true Christian ffaith and worshipp of God, which they have sought . . . to enjoye; . . . doe hereby publish, graunt, ordeyne, and declare . . . that noe person within the sayd colonye, at any tyme hereafter, shall bee any wise molested, punished, disquieted, or called in question, for any differences in opinione in matters of religion . . . but that all and everye person and persons may, from tyme to tyme, and at all tymes hereafter, freelye and fullye have and enjoye his and theire owne judgments and consciences, in matters of religious concernments . . .

MacDonald, pp. 125–133.

Resolutions of Germantown Mennonites

1688

♦ Negro slavery was first introduced to the English colonies in America in 1619; though the number of Negro slaves in the seventeenth century was comparatively small, there was some protest against the institution, especially from the Quakers and Mennonites. The protest of February 18, 1688, is the earliest known protest against slavery in the American colonies.

. . . There is a saying, that we should do to all men like as we will be done ourselves; making no difference of what generation, descent, or colour they are. And those who steal or rob men, and those who buy or purchase them, are they

not all alike? Here is liberty of conscience, which is right and reasonable; here ought to be likewise liberty of the body, except of evil-doers, which is another case. But to bring men hither, or to rob and sell them against their will, we stand against. . . . Pray, what thing in the world can be done worse towards us, than if men should rob or steal us away, and sell us for slaves to strange countries; separating husbands from their wives and children. . . .

Commager, vol. I, pp. 37-38.

Pennsylvania Charter of Privileges

1701

♦ The *Charter of Privileges* which William Penn granted to the inhabitants of Pennsylvania in 1701 was one of the great colonial acts granting religious freedom and the right to participate in government.

William Penn, Proprietary and Governor of the Province of Pensilvania and Territories thereunto belonging,

To all to whom these Presents shall come, sendeth Greeting.

Whereas King Charles the Second, by His Letters Patents, under the Great Seal of England, bearing Date the Fourth Day of March, in the Year One Thousand Six Hundred and Eighty-one, was graciously pleased to give and grant unto me, and my Heirs and Assigns for ever, this Province of Pensilvania, with divers great Powers and Jurisdictions for the well Government thereof . . .

Know ye therefore, that for the . . . Well-being and good Government of the said Province, and Territories, and in Pursuance of the Rights and Powers before-mentioned, I the said William Penn do declare, grant and confirm, unto all the

Freemen, Planters and Adventurers, and other Inhabitants of this Province and Territories, these following Liberties, Franchises and Privileges, so far as in me lieth, to be held, enjoyed and kept . . . for ever.

First. Because no People can be truly happy, though under the greatest Enjoyment of Civil Liberties, if abridged of the Freedom of their Consciences, as to their Religious Profession and Worship: And Almighty God being the only Lord of Conscience, Father of Lights and Spirits; and the Author as well as Object of all divine Knowledge, Faith and Worship, who only doth enlighten the Minds, and persuade and convince the Understanding of People, I do hereby grant and declare, That no Person or Persons, inhabiting in this Province or Territories, who shall confess and acknowledge One almighty God, the Creator, Upholder and Ruler of the World; and profess him or themselves obliged to live quietly under the Civil Government, shall be in any Case molested or prejudiced, in his or their Person or Estate, because of his or their conscientious Persuasion or Practice, nor be compelled to frequent or maintain any religious Worship, Place or Ministry, contrary to his or their Mind, or to do or suffer any other Act or Thing, contrary to their religious Persuasion. . . .

II For the well governing of this Province and Territories, there shall be an Assembly yearly chosen, by the Freemen thereof, . . .

. . . . .

V . . . all Criminals shall have the same Privileges of Witnesses and Council as their Prosecution.

VI . . . no Person or Persons shall or may, at any Time hereafter, be obliged to answer any Complaint, Matter or Thing whatsoever, relating to Property, before the Governor and Council, or in any other Place, but in ordinary Course of

Justice, unless Appeals thereunto shall be hereafter by Law appointed.

. . . . . .

VIII . . . because the Happiness of Mankind depends so much upon the Enjoying of Liberty of their Consciences as aforesaid, I do hereby solemnly declare, promise and grant, for me, my Heirs, and Assigns, That the First Article of this Charter relating to Liberty of Conscience, and every Part and Clause therein, according to the true Intent and Meaning thereof, shall be kept and remain, without any Alteration, inviolably for ever. . . .

Commager, vol. I, pp. 40–42.

Samuel Adams

1772

Among the natural rights of the colonists are these: First a right to life, secondly to liberty, thirdly to property; together with the right to defend them in the best manner they can. . . .

"Statement of the Rights of the Colonists," Nov. 20, 1772; William V. Wells, *The Life and Public Services of Samuel Adams* (Boston: Little, Brown, and Co., 1865; 3 vols.), vol. I, p. 502.

Declaration and Resolves of the First Continental Congress

1774

♦ The English colonies of North America laid claim in this declaration to all the human rights which their ancestors in England had enjoyed. For this reason the declaration has been called the "Magna

Carta of civil liberty in America." The Continental Congress adopted the declaration and resolves on October 14, 1774.

. . . The good people of the several Colonies of New-hampshire, Massachusetts-bay, Rhode-island and Providence plantations, Connecticut, New-York, New-Jersey, Pennsylvania, New-castle, Kent and Sussex on Delaware, Maryland, Virginia, North Carolina, and South Carolina . . . have severally elected, constituted, and appointed deputies to meet and sit in general congress, in the city of Philadelphia . . . [who] do, in the first place, . . . declare,

That the inhabitants of the English Colonies in North America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following Rights:

Resolved, N.C.D.*

1. That they are entitled to life, liberty, and property, and they have never ceded to any sovereign power whatever, a right to dispose of either without their consent.

2. That our ancestors, who first settled these colonies, were at the time of their emigration from the mother country, entitled to all the rights, liberties, and immunities of free and natural-born subjects, within the realm of England.

3. That by such emigration they by no means forfeited, surrendered, or lost any of those rights, but that they were, and their descendants now are, entitled to the exercise and enjoyment of all such of them, as their local and other circumstances enable them to exercise and enjoy.

4. That the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative council . . .

5. That the respective colonies are entitled to the common law of England, and more especially to the great and in-

estimable privilege of being tried by their peers of the vicinage, according to the course of that law.

6. That they are entitled to the benefit of such of the English statutes as existed at the time of their colonization; and which they have, by experience, respectively found to be applicable to their several local and other circumstances.

7. That these, his majesty's colonies, are likewise entitled to all the immunities and privileges granted and confirmed to them by royal charters, or secured by their several codes of provincial laws.

8. That they have a right peaceably to assemble, consider of their grievances, and petition the King; and that all prosecutions, prohibitory proclamations, and commitments for the same, are illegal.

9. That the keeping a Standing army in these colonies, in times of peace, without the consent of the legislature of that colony, in which such army is kept, is against law.

10. It is indispensably necessary to good government, and rendered essential by the English constitution, that the constituent branches of the legislature be independent of each other; . . .

All and each of which the aforesaid deputies, in behalf of themselves and their constituents, do claim, demand, and insist on, as their indubitable rights and liberties; which cannot be legally taken from them, altered or abridged by any power whatever, without their own consent, by their representatives in their several provincial legislatures. . . .

U.S. Continental Congress, *Journals of the Continental Congress 1774-1789*, edited by Worthington C. Ford (Washington: U.S. Government Printing Office, 1904-1931; 34 vols.; known as the "Library of Congress edition"), vol. I, pp. 63-73.

• N.C.D.: abbreviation of a Latin expression meaning "unanimously."

Letter from the First Continental Congress to the People of Quebec

1774

♦ On October 26, 1774, the Continental Congress approved the text of a letter to the people of the Province of Quebec, which declared that the English colonists enjoyed and should enjoy five specific human rights: representative government, trial by jury, liberty of person, easy tenure of land, and freedom of the press.

. . . the first grand right, is that of the people having a share in their own government by their representatives chosen by themselves, and, in consequence of being ruled by *laws*, which they themselves approve . . .

The next great right is that of trial by jury. This provides that neither life, liberty nor property, can be taken from the possessor, until twelve of his unexceptionable countrymen and peers of his vicinage . . . shall pass their sentence upon oath against him . . .

Another right relates merely to the liberty of the person. If a subject is seized and imprisoned, though by order of the government, he may by virtue of this right, immediately obtain a writ, termed a Habeas Corpus, from a Judge . . . and thereupon procure any illegal restraint to be quickly inquired into and redressed.

A fourth right is that of holding lands by the tenure of easy rents, and not by rigorous and oppressive services . . .

The last right . . . regards the freedom of the press. The importance of this consists, besides the advancement of truth, science, morality, and arts in general, in its diffusion of liberal sentiments on the administration of government, . . . whereby oppressive officers are shamed or intimidated into more honourable and just modes of conducting affairs. . . .

These are the rights, without which a people cannot be free and happy . . .

Journals of the Continental Congress, vol. I, pp. 105–113.

Patrick Henry

1775

. . . Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid, Almighty God! I know not what course others may take; but as for me, give me liberty, or give me death!

Speech made before the Virginia House of Burgesses, Mar. 23, 1775; Alexander Johnston, editor, *American Orations: Studies in American Political History* (New York: G. P. Putnam's Sons, 1896), pp. 18–23.

Thomas Jefferson

1774–1824

. . . The God who gave us life, gave us liberty at the same time: the hand of force may destroy, but cannot disjoin them. . . .

"A Summary View of the Rights of British America," 1774; Julian P. Boyd, editor, *The Papers of Thomas Jefferson* (Princeton: Princeton University Press, 1950– ; 17 vols. to date), vol. I, pp. 121–135.

. . . The basis of our governments being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a

government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter. But I should mean that every man should receive those papers and be capable of reading them. . . .

Letter to Colonel Edward Carrington, Jan. 16, 1787; *ibid.*, vol. 11, pp. 48–50.

. . . a bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse, or rest on inference. . . .

Letter to James Madison, Dec. 20, 1787; *ibid.*, vol. 12, pp. 438–442.

. . . I have sworn upon the altar of God, eternal hostility against every form of tyrrany over the mind of man. . . .

Letter to Dr. Benjamin Rush, Sept. 23, 1800; Andrew A. Lipscomb, editor, *The Writings of Thomas Jefferson* (Washington: Thomas Jefferson Memorial Association, 1903–1904; 20 vols.), vol. X, p. 175.

. . . If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it . . .

Equal and exact justice to all men, . . . freedom of religion; freedom of the press; freedom of persons under the protection of the *habeas corpus;* and trial by juries impartially selected—these principles form the bright constellation which has gone before us . . .

Jefferson's First Inaugural Address, Mar. 4, 1801; *ibid.*, vol. III, pp. 319, 321–322.

50

. . . Nothing then is unchangeable but the inherent and unalienable rights of man. . . .

Letter to Major John Cartwright, June 5, 1824; *ibid.*, vol. XVI, p. 40.

Virginia Declaration of Rights

1776

♦ Virginia was the first of the original 13 English colonies to adopt a Declaration of Rights in anticipation of becoming a State. The Virginia statement, drafted by George Mason and adopted on June 12, 1776, by the Virginia Convention, preceded the Declaration of Independence by 3 weeks. Its 16 articles gave eloquent expression to the human rights which Virginia and other States were to incorporate in their constitutions.

Section 1. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

Section 2. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

Section 3. That Government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community . . .

. . . . . .

Section 6. That elections of members to serve as representatives of the people, in assembly, ought to be free and that all men . . . have the right of suffrage . . .

. . . . . .

312-899 O - 68 - 4

Section 8. That in all capital or criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with his accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury . . . [and] that no man [should] be deprived of his liberty, except by the law of the land or the judgment of his peers.

. . . . .

Section 11. That in controversies respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other, and ought to be held sacred.

Section 12. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments.

. . . . .

Section 16. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force, or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience . . .

Commager, vol. I, pp. 103–104.

Declaration of Independence

1776

♦ The first national act on the part of the United States of America was the Declaration of Independence, adopted July 4, 1776. Its preamble set forth the fundamental human rights.

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have

connected them with another, and to assume among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That, to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That, whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; . . .

Journals of the Continental Congress, vol. V, pp. 510–511.

Articles of Confederation

1777

♦ Having declared their independence, the 13 former English colonies approved on November 15, 1777 their first written instrument of government, the Articles of Confederation and Perpetual Union, whereby they entered into a "firm league of friendship" with each other. Article IV referred to freedom of travel. The Articles of Confederation were ratified and came into force on March 1, 1781.

The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in the

union, the free inhabitants of each of these states . . . shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce . . .

Journals of the Continental Congress, vol. IX, p. 908.

Virginia Statute of Religious Liberty

1786

♦ Almost all the new constitutions adopted by the former English colonies after they became States included a guarantee of religious freedom as a human right. The Virginia statute of 1786 on this subject was written by Thomas Jefferson.

1. Whereas Almighty God hath created the mind free . . . all attempts to influence it by temporal punishments or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness . . . to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical; . . . our civil rights have no dependence on our religious opinions, any more than our opinions in physics or geometry; . . . therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which in common with his fellow-citizens he has a natural right; . . . to suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the profession or propagation of principles on supposition of their ill tendency, is a dangerous fallacy,

which at once destroys all religious liberty, because he being of course judge of that tendency will make his opinions the rule of judgment, and approve or condemn the sentiments of others only as they shall square with or differ from his own; . . . and finally, . . . truth is great and will prevail if left to herself, . . . she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by interposition disarmed of her natural weapons, free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them. . . .

Commager, vol. I, pp. 125-126.

Northwest Ordinance

1787

♦ One of the earliest national formulations by the United States of specific human rights was contained in this instrument providing government for the people of the Northwest Territory. Historians have emphasized the broad assurance of the enjoyment of human rights extended by this law.

. . . It is hereby Ordained and declared by the authority aforesaid [the Congress of the United States], That the following Articles shall be considered as Articles of compact between the Original States and the People and States in the said territory, and forever remain unalterable, unless by common consent, *to wit*,

[Article 1] No person demeaning himself in a peaceable and orderly manner shall ever be molested on account of his mode of worship or religious sentiments in the said territory—

[Article 2] The Inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by Jury; of a proportionate representation of

the people in the legislature, and of judicial proceedings according to the course of the common law; all Persons shall be bailable unless for capital offences, where the proof shall be evident, or the presumption great; all fines shall be moderate, and no cruel or unusual punishments shall be inflicted; no man shall be deprived of his liberty or property but by the judgment of his Peers, or the law of the land; and should the public exigencies make it necessary for the common preservation to take any persons property, or to demand his particular services, full compensation shall be made for the same;—and in the just preservation of rights and property it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with, or affect private contracts or engagements, bona fide and without fraud previously formed.

[Article 3] Religion, Morality and knowledge being necessary to good government and the happiness of mankind, Schools and the means of education shall forever be encouraged . . .

[Article 4] The said territory, and the States which may be formed therein, shall forever remain a part of this Confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all the Acts and Ordinances of the United States in Congress Assembled, conformable thereto. The Inhabitants and Settlers in the said territory, shall be subject to pay a part of the federal debts contracted or to be contracted, and a proportional part of the expences of the Government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; . . . The navigable Waters leading into the Mississippi and St.

Lawrence, and the carrying places between the same shall be common highways, and forever free, as well to the Inhabitants of the said territory, as to the Citizens of the United States, and those of any other States that may be admitted into the Confederacy, without any tax, impost, or duty therefor—

[Article 5] There shall be formed in the said territory, not less than three nor more than five States; . . .

[Article 6] There shall be neither Slavery nor involuntary Servitude in the said territory otherwise than in the punishment of crimes, whereof the Party shall have been duly convicted: Provided always that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid— . . .

Clarence E. Carter, editor, *The Territorial Papers of the United States* (Washington: U.S. Government Printing Office, 1934–), vol. II, pp. 46–49.

Constitution of the United States and the Bill of Rights

1788–1791

♦ A few guarantees of human rights were incorporated in the original articles of the Constitution of the United States, which were drafted by the Federal Convention of 1787 and came into force on June 21, 1788. The American people, however, having won their freedom at a high price, wished to make sure that the human rights which they had fought to secure would be preserved. Accordingly they adopted a set of amendments to the Constitution (the first 10), providing that certain fundamental rights could not be abridged by the Federal Government. These amendments came into force on December 15,

1791. Subsequent amendments added new guarantees. Of the 25 amendments to the Constitution, 15 directly concern human rights.*

[Article I] Section 9. . . . The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed. . . .

Section 10. No State shall . . . pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility. . . .

. . . . . .

[Article III] Section 2. . . . The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed. . . .

[Article IV] Section 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States. . . .

. . . . . .

[Article VI] . . . no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

. . . . . .

[Amendment 1] Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

[Amendment 2] A well regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear Arms, shall not be infringed.

[Amendment 3] No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

[Amendment 4] The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

[Amendment 5] No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

[Amendment 6] In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

[Amendment 7] In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial

by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

[Amendment 8] Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

[Amendment 9] The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

[Amendment 10] The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The Constitution of the United States of America: Analysis and Interpretation (Washington: U.S. Government Printing Office, 1964), pp. 35–50, 57–60.

*See pp. 53–54 for the 13th, 14th, 15th, 19th, and 24th amendments.

George Washington

1790

. . . happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection, should demean themselves as good citizens . . .

Letter written during his first administration, Aug. 17, 1790, to the Hebrew congregation of Newport, R.I. John C. Fitzpatrick, editor, *The Writings of George Washington from the Original Manuscript Sources, 1745–1799* . . . (Washington: U.S. Government Printing Office [1931–1944]; 39 vols.), vol. 31, p. 93.

Thomas Paine

1791

. . . Man did not enter into society to become worse than he was before, nor to have fewer rights than he had before, but to have those rights better secured. His natural rights are the foundation of all his civil rights. . . .

Natural rights are those which appertain to man in right of his existence. Of this kind are all the intellectual rights, or rights of the mind, and also all those rights of acting as an individual for his own comfort and happiness, which are not injurious to the natural rights of others. Civil rights are those which appertain to man in right of his being a member of society. . . .

The Rights of Man, Part First; William M. Van der Weyde, editor, *The Life and Works of Thomas Paine* (New Rochelle, N.Y.: Thomas Paine National Historical Association, 1925; 10 vols.), vol. VI, pp. 69–71.

Virginia and Kentucky Resolutions

1798

♦ These resolutions represent an early protest against what Virginia and Kentucky legislatures considered a dangerous usurpation of power by the Government of the United States in passing the so-called "Sedition Law" of 1798 abridging freedom of speech and the press. Not only was the law condemned by the people, but it was denounced by Jefferson when he became President in 1801, and the Congress did not renew it.

Virginia Resolution

. . . this state, having, by its Convention which ratified the Federal Constitution, expressly declared that, among other essential rights, "the liberty of conscience and of the press cannot be cancelled, abridged, restrained or modified by any authority of the United States" and from its supreme anxiety to guard these rights from every possible attack having, with other states, recommended an amendment for that purpose, . . . it would mark a reproachful inconsistency and criminal degeneracy, if an indifference were now shown to the palpable violation of one of the rights thus declared and secured, and to the establishment of a precedent which may be fatal to the other. . . .

Kentucky Resolution

. . . it would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety of our rights . . . Our Constitution has accordingly fixed the limits to which and no further our confidence may go . . .

Commager, vol. I, pp. 178-183.

Treaty Ceding Louisiana

1803

♦ On April 30, 1803 the United States concluded a treaty with France for the purchase of the "province of Louisiana." Article III of this treaty protected the inhabitants of the ceded territory in the enjoyment of their human rights pending their attainment of United States

citizenship. Subsequent treaties by which the United States acquired territory contained similar provisions.*

The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible according to the principles of the federal Constitution to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property and the Religion which they profess.

Hunter Miller, editor, *Treaties and Other International Acts of the United States of America* (Washington: U.S. Government Printing Office, 1931–), vol. 2, p. 501.

*(1) Articles V and VI of the Florida Treaty of Feb. 22, 1819, with Spain, printed in Miller, vol. 3, p. 8; (2) article IX of the Treaty of Guadalupe Hidalgo with Mexico, signed Feb. 2, 1848 (by which the United States acquired California and other southwestern territory), printed *ibid.*, vol. 5, p. 219; (3) article III of the convention of Mar. 30, 1867, with Russia ceding Alaska to the United States, which is printed in William M. Malloy, editor, *Treaties, Conventions, International Acts, Protocols and Agreements Between the United States of America and Other Powers, 1776–1909* (Washington: U.S. Government Printing Office, 1910; 2 vols.), vol. 2, p. 1523; and (4) articles X and XI of the Treaty of Peace with Spain, signed Dec. 10, 1898 (by which the United States acquired the Philippines, Puerto Rico, and Guam), printed *ibid.*, pp. 1693–1694.

Andrew Jackson

1832

. . . In the full enjoyment of the gifts of Heaven and the fruits of superior industry, economy, and virtue, every man

is equally entitled to protection by law; but when the laws undertake to add to these natural and just advantages artificial distinctions, to grant titles, gratuities, and exclusive privileges, to make the rich richer and the potent more powerful, the humble members of society—the farmers, mechanics, and laborers—who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their Government. There are no necessary evils in government. . . . If it would confine itself to equal protection, and, as Heaven does its rains, shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing. . . .

Message to the Senate, July 10, 1832, vetoing a bill to establish a Bank of the United States; James D. Richardson, editor, *A Compilation of the Messages and Papers of the Presidents of the United States, 1789–1897* (Washington: U.S. Government Printing Office, 1898; 10 vols.), vol. II, p. 590.

The Declaration of Sentiments of the American Anti-Slavery Society

1833

♦ The Declaration of Sentiments, drafted by William Lloyd Garrison, was signed on December 6, 1833, at a convention assembled in Philadelphia to organize a national anti-slavery society.

. . . no man has a right to enslave or imbrute his brother. . . .

The right to enjoy liberty is inalienable . . . Every man has a right to his own body—to the products of his own labor—to the protection of law—and to the common advantages of society. It is piracy to buy or steal a native African, and subject him to servitude.

. . . the slaves ought instantly to be set free, and brought under the protection of law . . .

. . . all those laws which are now in force, admitting the right of slavery, are . . . before God, utterly null and void; being an audacious usurpation of the Divine prerogative, a daring infringement on the law of nature, a base overthrow of the very foundations of the social compact . . . and a presumptuous transgression of all the holy commandments . . . they ought instantly to be abrogated.

. . . all persons of color who possess the qualifications which are demanded of others, ought to be admitted forthwith to the enjoyment of the same privileges, and the exercise of the same prerogatives, as others; and that the paths of preferment, of wealth, and of intelligence, should be opened as widely to them as to persons of a white complexion.

. . . no compensation should be given to the planters emancipating their slaves;

. . . man cannot hold property in man;

. . . slavery is a crime, and therefore is not an article to be sold;

. . . the holders of slaves are not the just proprietors of what they claim . . .

Wendell Phillips Garrison and Francis Jackson Garrison, *William Lloyd Garrison, 1805-1879* (New York: Century Co., 1885-1889; 4 vols.), vol. I, pp. 408-412.

Texas Declaration of Rights

1836

♦ On March 1, 1836, the delegates of the people of Texas assembled in convention for the purpose of proclaiming their independence from Mexico and setting up a form of civil government for the Republic of Texas. On March 17, 1836, they unanimously adopted a Con-

stitution which included a declaration of the rights reserved to the people. This Constitution formed the basis of government until Texas was admitted as a State in 1845, at which time a new Constitution was adopted.

. . . 1st. All men, when they form a social compact, have equal rights; and no men or set of men are entitled to exclusive public privileges or emoluments from the community.

2d. All political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit; and they have at all times an inalienable right to alter their government in such manner as they may think proper. . . .

Francis N. Thorpe, editor, *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies . . .* (Washington: U.S. Government Printing Office, 1909; 7 vols.), vol. VI, pp. 3542-3543.

Ralph Waldo Emerson

1844

. . . The theory of politics which has possessed the minds of men, and which they have expressed the best they could in their laws and in their revolutions, considers persons and property as the two objects for whose protection government exists. Of persons all have equal rights in virtue of being identical in nature. . . .

The Best of Ralph Waldo Emerson (New York: Walter J. Black, published for the Classics Club, 1941), p. 253.

66

William Lloyd Garrison

1853

. . . wherever there is a human being, I see God-given rights inherent in that being, whatever may be the sex or complexion. . . .

Statement made before the Woman's Rights Convention, New York, Sept. 1853; *William Lloyd Garrison, 1805-1879*, vol. III, p. 390.

312-409 O - 66 - 5

PART IV

Toward Realization: The United States, 1863–1968

Emancipation Proclamation

1863

♦ Although Washington, Franklin, Jefferson, Madison, Hamilton, and many other early leaders of public opinion considered slavery an evil, inconsistent with the principles of the Declaration of Independence, slavery had become established in America in the early colonial days. Congress barred slave trading in 1808, that year having been specified in the Constitution itself as the first year in which the action could be taken. On January 1, 1863, President Abraham Lincoln issued a proclamation emancipating the slaves.

. . . Now, therefore, I, Abraham Lincoln, President of the United States . . . do order and declare that all persons held as slaves within said designated states and parts of states are, and henceforward shall be, free; and that the Executive Government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary defence; and I recommend to them that, in all cases when allowed, they labor faithfully for reasonable wages.

And I further declare and make known that such persons, of suitable condition, will be received into the armed service

of the United States to garrison forts, position, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God.

12 Stat. 1268.

Abraham Lincoln

1863

Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal. . . . It is for us the living . . . to be dedicated here to the unfinished work which they who have fought here have thus far so nobly advanced . . . that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.

Address made at the dedication of a soldiers' cemetery, Gettysburg, Pa., Nov. 19, 1863; S. Doc. 439, 62d Cong., 2d sess. (1912), p. 35.

Amendments to the Constitution of the United States

1865–1964

[Amendment 13] Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the

United States, or any place subject to their jurisdiction . . .*

[Amendment 14] Section 1. . . . No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws. . . .†

[Amendment 15] Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. . . .‡

. . . . . .

[Amendment 19] Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex. . . .§

. . . . . .

[Amendment 24] Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax. . . .||

The Constitution of the United States of America, pp. 62–74.

*Came into force Dec. 18, 1865.
†Came into force July 28, 1868.
‡Came into force Mar. 30, 1870.
§Came into force Aug. 26, 1920.
||Came into force Feb. 4, 1964.

William Lloyd Garrison

1867

. . . you cannot possibly have a broader basis for any government than that which includes all the people, with all their rights in their hands, and with an equal power to maintain their rights.

Address delivered at a meeting held under the auspices of the Scottish National Reform League, Glasgow, Scotland, July 19, 1867; *William Lloyd Garrison, 1805–1879*, vol. IV, p. 224.

Susan B. Anthony

1870–1880

. . . The principle of self-government can not be violated with impunity. The individual's right to it is sacred—regardless of class, caste, race, color, sex, or any other accident or incident of birth. . . .

Address delivered in many of the large cities of the United States between 1870 and 1880. Ida Husted Harper, *The Life and Work of Susan B. Anthony* . . . (Indianapolis and Kansas City: The Bowen-Merrill Co., 1898–1908; 3 vols.), vol. II, appendix, p. 1001.

Ralph Waldo Emerson

1878

. . . We want a state of things . . . which allows every man the largest liberty compatible with the liberty of every other man. . . .

The genius of the country [America] has marked out our

true policy,—opportunity. Opportunity of civil rights, of education, . . . doors wide open . . . to every nation, to every race and skin, white men, red men, yellow men, black men; hospitality of fair field and equal laws to all. Let them compete and success to the strongest, the wisest, and the best. . . .

Ralph Waldo Emerson, *Fortune of the Republic* (Boston: Houghton, Osgood and Co., 1878), pp. 40–42.

Elizabeth Cady Stanton

1884

. . . the exercise of the suffrage is the primary school in which the citizen learns how to use the ballot as a weapon of defense; the ballot is the scepter of power in the hand of every citizen. Woman can never have an equal chance with man in the struggle of life until she too wields this power. . . .

Paper on "Self-Government the Best Means of Self-Development" read to the Senate Committee on Woman Suffrage, Mar. 7, 1884. Elizabeth Cady Stanton, Susan B. Anthony, and Matilda Joslyn Gage, editors, *History of Woman Suffrage* (New York: Fowler and Wells, 1881–[1922]; 6 vols.), vol. 4, p. 41.

Wyoming Constitution

1889

♦ Wyoming was the first State to extend the suffrage to women.

ARTICLE No. VI

Section 1. The rights of the citizens of the State of Wyoming to vote and hold office shall not be denied or abridged

on account of sex. Both male and female citizens of this State shall equally enjoy all civil, political and religious rights and privileges. . . .

Thorpe, vol. VII, p. 4132.

Theodore Roosevelt

1903–1910

. . . Ours is a government of liberty, by, through, and under the law. No man is above it, and no man is below it. . . .

Speech made at Spokane, Wash., Apr. 26, 1903; Albert Bushnell Hart and Herbert Ronald Ferleger, editors, *Theodore Roosevelt Cyclopedia* (New York: Roosevelt Memorial Association, [1941]), p. 167.

. . . There must be equal rights for all, and special privileges for none . . .

I believe in property rights, but I believe in them as adjuncts to, and not as substitutes for human rights. I believe that normally the rights of property coincide with the rights of man: but where they do not, then the rights of man must be put above the rights of property. . . .

Outlook, Sept. 3, 1910; *ibid.*, p. 532.

Puerto Rican Bill of Rights

1917

♦ The act of Congress approved on March 2, 1917 established a civil government for Puerto Rico. This organic act included a Bill of Rights.

. . . Sec. 2. That no law shall be enacted in Porto Rico which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws.

That in all criminal prosecutions the accused shall enjoy the right to have the assistance of counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy and public trial, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

That no person shall be held to answer for a criminal offense without due process of law; and no person for the same offense shall be twice put into jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.

That all persons shall before conviction be bailable by sufficient sureties except for capital offenses when the proof is evident or the presumption great.

That no law impairing the obligation of contracts shall be enacted.

That no person shall be imprisoned for debt.

That the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion, insurrection, or invasion the public safety may require it, in either of which events the same may be suspended by the President, or by the governor, whenever during such period the necessity for such suspension shall exist.

That no ex post facto law or bill of attainder shall be enacted.

Private property shall not be taken or damaged for public use except upon payment of just compensation ascertained in the manner provided by law.

Nothing in this Act shall be construed to limit the power

of the legislature to enact laws for the protection of the lives, health, or safety of employees.

That no law granting a title of nobility shall be enacted. . . .

That excessive bail shall not be required. . . .

That the right to be secure against unreasonable searches and seizures shall not be violated.

That no warrant for arrest or search shall be issued but upon probable cause . . .

That slavery shall not exist in Porto Rico.

That involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall not exist in Porto Rico.

That no law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.

That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed, and that no political or religious test other than an oath to support the Constitution of the United States and the laws of Porto Rico shall be required as a qualification to any office or public trust under the government of Porto Rico. . . .

39 Stat. 951-952.

Woodrow Wilson

1917

. . . the right is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts,—for democracy, for the right of those who submit to authority to have a voice in their own Governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free. To such a task we can dedicate our lives and our fortunes, everything that we are and everything that we have, with the pride of those who know that the day has come when America is privileged to spend her blood and her might for the principles that gave her birth and happiness and the peace which she has treasured. God helping her, she can do no other.

War message to Congress, Apr. 2, 1917; *Congressional Record*, vol. 55, part 1, p. 104.

Oliver Wendell Holmes

1919

. . . when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out. . . . I think we should be eternally vigilant against attempts to check the expression of opinions that

we loathe and believe fraught with death, unless they so imminently threaten immediate interference with the lawful and pressing purposes of the law that an immediate check is required to save the country. . . .

Dissenting opinion, Justice Brandeis concurring, in the case of *Abrams et al.* v. *United States*, 1919; 250 U.S. 616. Four men and a woman were sentenced to prison on the ground that by secretly printing and distributing leaflets in protest against the sending of American troops into Russia after the 1917 revolution they intended to provoke resistance to the United States Government in time of war.

International Convention To Suppress Slave Trade and Slavery

1926

♦ The International Slave Convention of 1926, signed at Geneva on September 25, 1926, was designed to complete and extend the General Act of the Brussels Conference of 1889–1890, which declared a firm intention to end traffic in African slaves, and to find a means of giving practical effect to the Convention of Saint-Germain-en-Laye of 1919, which affirmed intentions of securing the complete suppression of slavery and of the slave trade. Adherence to the Convention by the United States was proclaimed on March 23, 1929. Earlier, the United States and Great Britain in the Treaty of Ghent (1814) and in the Webster-Ashburton Treaty (1842) had agreed to take steps to abolish the slave trade.

. . . Article 2. The High Contracting Parties undertake, each in respect of the territories placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage, so far as they have not already taken the necessary steps:

(a) To prevent and suppress the slave trade;

(b) To bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms.

Article 3. The High Contracting Parties undertake to adopt all appropriate measures with a view to preventing and suppressing the embarkation, disembarkation and transport of slaves in their territorial waters and upon all vessels flying their respective flags. . . .

Article 5. The High Contracting Parties recognize that recourse to compulsory or forced labour may have grave consequences and undertake, each in respect of the territories placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage, to take all necessary measures to prevent compulsory or forced labour from developing into conditions analogous to slavery. . . .

Treaty Series 778; 46 Stat. 2183.

Charles Evans Hughes

1937

. . . The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press and free assembly in order to maintain the opportunity for free political discussion, to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the Republic, the very foundation of constitutional government. . . .

DeJonge v. *Oregon*, 299 U.S. 353 (1937). Chief Justice Hughes delivered the opinion of the Court.

78

Franklin D. Roosevelt

1936–1941

. . . There is a mysterious cycle in human events. To some generations much is given. Of other generations much is expected. This generation of Americans has a rendezvous with destiny.

In this world of ours in other lands, there are some people, who, in times past, have lived and fought for freedom, and seem to have grown too weary to carry on the fight. . . .

. . . only our success can stir their ancient hope. . . .

Speech accepting renomination for the Presidency at the Democratic National Convention, Philadelphia, June 27, 1936; Samuel I. Rosenman, editor, *The Public Papers and Addresses of Franklin D. Roosevelt* (New York: Random House, 1938–), vol. 5, pp. 230–236.

. . . it is the part of . . . America to stand for the freedom of the human mind and to carry the torch of truth.

. . . Liberty is the air Americans breathe. Our Government is based on the belief that a people can be both strong and free, that civilized men need no restraint but that imposed by themselves against abuse of freedom. . . .

Address delivered at the Harvard Tercentenary Celebration, Cambridge, Sept. 18, 1936; *ibid.*, pp. 362–365.

. . . Democracy, the practice of self-government, is a covenant among free men to respect the rights and liberties of their fellows. . . .

Annual message to the Congress on the state of the Union, Jan. 4, 1939; *ibid.*, vol. 8, pp. 1–12.

. . . In the future days, which we seek to make secure, we look forward to a world founded upon four essential human freedoms.

The first is freedom of speech and expression—everywhere in the world.

The second is freedom of every person to worship God in his own way—everywhere in the world.

The third is freedom from want which, translated into world terms, means economic understandings which will secure to every nation a healthy peacetime life for its inhabitants—everywhere in the world.

The fourth is freedom from fear—which, translated into world terms, means a world-wide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor—anywhere in the world. . . .

Freedom means the supremacy of human rights everywhere. Our support goes to those who struggle to gain those rights or keep them. . . .

Annual message to the Congress on the state of the Union, Jan. 6, 1941; *ibid.*, vol. 9, pp. 663-672.

Wendell L. Willkie

1940

. . . The only soil in which liberty can grow is that of a united people. We must have faith that the welfare of one is the welfare of all. We must know that the truth can only be reached by the expression of our free opinions, without fear and without rancor. We must acknowledge that all are equal before God and before the law. And we must learn to abhor those disruptive pressures whether religious, political, or economic that the enemies of liberty employ. . . .

Speech accepting nomination for the Presidency at the Republican National Convention, Philadelphia, Aug. 17, 1940; *Congressional Record*, vol. 86, part 17, appendix, pp. 5066-5069.

Atlantic Charter

1941

♦ Shortly after Nazi forces had overrun most of Europe, President Roosevelt and Prime Minister Churchill met on the U.S.S. *Augusta* and the H.M.S. *Prince of Wales* in the North Atlantic for the purpose of considering threats to their two countries. They issued a joint statement of common principles on August 14, 1941, which became known as the Atlantic Charter.

The President of the United States of America and the Prime Minister, Mr. Churchill, representing His Majesty's Government in the United Kingdom, being met together, deem it right to make known certain common principles in the national policies of their respective countries on which they base their hopes for a better future for the world.

First, their countries seek no aggrandizement, territorial or other;

Second, they desire to see no territorial changes that do not accord with the freely expressed wishes of the peoples concerned;

Third, they respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them;

Fourth, they will endeavor, with due respect for their existing obligations, to further the enjoyment by all States, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity;

Fifth, they desire to bring about the fullest collaboration between all nations in the economic field with the object of securing, for all, improved labor standards, economic advancement and social security;

Sixth, after the final destruction of the Nazi tyranny, they hope to see established a peace which will afford to all nations the means of dwelling in safety within their own boundaries, and which will afford assurance that all the men in all the lands may live out their lives in freedom from fear and want;

Seventh, such a peace should enable all men to traverse the high seas and oceans without hindrances;

Eighth, they believe that all of the nations of the world, for realistic as well as spiritual reasons must come to the abandonment of the use of force. . . .

55 Stat. 1603.

An Economic Bill of Rights

1944

♦ President Franklin D. Roosevelt's annual message to Congress in 1944 was especially notable for his espousal of a new bill of rights.

. . . It is our duty now to begin to lay plans and determine the strategy for the winning of a lasting peace and the establishment of an American standard of living higher than ever before known. We cannot be content, no matter how high the general standard of living may be, if some fraction of our people—whether it be one-third or one-fifth or one-tenth—is ill-fed, ill-clothed, ill-housed, and insecure.

This Republic had its beginning, and grew to its present strength, under the protection of certain inalienable political rights—among them the right of free speech, free press, free worship, trial by jury, freedom from unreasonable searches and seizures. They were our rights to life and liberty. . . .

We have come to a clear realization of the fact that true individual freedom cannot exist without economic security

and independence. . . . People who are hungry and out of a job are the stuff of which dictatorships are made.

In our day these economic truths have become accepted as self-evident. We have accepted, so to speak, a second Bill of Rights under which a new basis of security and prosperity can be established for all, regardless of station, race or creed.

Among these are:

The right to a useful and remunerative job in the industries or shops or farms or mines of the nation;

The right to earn enough to provide adequate food and clothing and recreation;

The right of every farmer to raise and sell his products at a return which will give him and his family a decent living;

The right of every business man, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad;

The right of every family to a decent home;

The right to adequate medical care and the opportunity to achieve and enjoy good health;

The right to adequate protection from the economic fears of old age, sickness, accident and unemployment;

The right to a good education.

All of these rights spell security. And after this war is won we must be prepared to move forward, in the implementation of these rights, to new goals of human happiness and well-being.

America's own rightful place in the world depends in large part upon how fully these and similar rights have been carried into practice for our citizens. For unless there is security here at home there cannot be lasting peace in the world.

Commager, vol. II, pp. 663-665.

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Learned Hand

1944

. . . What do we mean when we say that first of all we seek liberty? I often wonder whether we do not rest our hopes too much upon constitutions, upon laws and upon courts. These are false hopes; believe me, these are false hopes. Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it. While it lies there it needs no constitution, no law, no court to save it. And what is this liberty which must lie in the hearts of men and women? It is not the ruthless, the unbridled will; it is not freedom to do as one likes. That is the denial of liberty, and leads straight to its overthrow. A society in which men recognize no check upon their freedom soon becomes a society where freedom is the possession of only a savage few; as we have learned to our sorrow.

What then is the spirit of liberty? I cannot define it; I can only tell you my own faith. The spirit of liberty is the spirit which is not too sure that it is right; the spirit of liberty is the spirit which seeks to understand the minds of other men and women; the spirit of liberty is the spirit which weighs their interests alongside its own without bias; the spirit of liberty remembers that not even a sparrow falls to earth unheeded; the spirit of liberty is the spirit of Him who, near two thousand years ago, taught mankind that lesson it has never learned, but has never quite forgotten; that there may be a kingdom where the least shall be heard and considered side by side with the greatest. . . .

"The Spirit of Liberty," Irving Dilliard, editor, *The Spirit of Liberty: Papers and Addresses of Learned Hand* (New York: Alfred A. Knopf, 1954; 7th ed., enlarged), pp. 189-191. Judge Hand was Chief Judge of the U.S. Circuit Court of Appeals, Second Circuit.

Four-Power Agreement on Crimes Against Humanity

1945

♦ The agreement of August 8, 1945, signed at London by the United States, France, the Soviet Union, and the United Kingdom contained as an annex the Charter of the International Military Tribunal. The Charter provided that the Tribunal established by the agreement should prosecute and punish individuals found guilty of committing crimes against peace, war crimes, and crimes against humanity. This act stands as a precedent in the international recognition of human rights. The definitions of war crimes and crimes against humanity in Article 6 of the Charter contained many of the concepts underlying human rights.

Article 6. . . . The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility: . . .

(b) War Crimes: namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or of persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity;

(c) Crimes against humanity: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during war, or persecution on political, racial, or religious grounds in execution of or in connection with any crime within the jurisdiction of the tribunal, whether or not in violation of the domestic law of the country where perpetrated. . . .

59 Stat. 1544.

Peace Treaties with Bulgaria, Hungary, Italy, and Romania

1947

♦ The United States and the other Allied and Associated Powers are parties to the treaties of peace with Bulgaria, Hungary Italy, and Romania signed on February 10, 1947, which contain guarantees of human rights and fundamental freedoms for the peoples of the latter countries. These treaties entered into force September 15, 1947. Articles 2 and 3 of the treaty with Hungary are reproduced below. The other treaties contain identical provisions except as indicated in the footnotes.

Article 2

1. Hungary shall take all measures necessary to secure to all persons under Hungarian jurisdiction, without distinction as to race, sex, language or religion, the enjoyment of human rights and of the fundamental freedoms, including freedom of expression, of press and publication, of religious worship, of political opinion and of public meeting.*

2. Hungary further undertakes that the laws in force in Hungary shall not, either in their content or in their application, discriminate or entail any discrimination between persons of Hungarian nationality on the ground of their race, sex, language or religion, whether in reference to their persons, property, business, professional or financial interests, status, political or civil rights or any other matter.†

Article 3

Hungary, which in accordance with the Armistice Agreement has taken measures to set free, irrespective of citizenship and nationality, all persons held in confinement on

account of their activities in favour of, or because of their sympathies with, the United Nations or because of their racial origin, and to repeal discriminatory legislation and restrictions imposed thereunder, shall complete these measures and shall in future not take any measures or enact any laws which would be incompatible with the purposes set forth in this Article.‡

Department of State, Treaties and Other International Acts Series 1648 (*Treaty of Peace with Italy*), p. 124; 1649 (*Treaty of Peace with Roumania*), pp. 45-46; 1650 (*Treaty of Peace with Bulgaria*), p. 41; 1651 (*Treaty of Peace with Hungary*), pp. 48-49.

*This paragraph appears also in the treaty of peace with Finland, which was not signed by the United States as we were not at war with Finland.

†This paragraph appears only in the Hungarian and Romanian treaties.

‡This paragraph does not appear in the Italian treaty. Article 16 of the Italian treaty reads as follows: "Italy shall not prosecute or molest Italian nationals, including members of the armed forces, solely on the ground that during the period from June 10, 1940, to the coming into force of the present Treaty, they expressed sympathy with or took action in support of the cause of the Allied and Associated Powers."

Norman M. Thomas

1947

. . . Peace will never be entirely secure until men everywhere have learned to conquer poverty without sacrificing liberty to security. Peace will be uncertain as long as great sections of mankind live under systems of discrimination and exploitation, racial or economic, which make them militantly conscious of loyalty to the advancement of their own race or class rather than of loyalty to the human family. We and our descendants will have our work cut out for us even

if we are free from the immediate threat of another world war. Temporary peace will not become permanent except as men make the rich resources and technology, which today chiefly serve the few, the benefactors of all mankind. There can be no greater challenge to the human spirit.

There remains, of course, the eternal question of the ability of the human spirit to meet that challenge and to fulfill its own noblest possibilities. The glory if not the security of peace depends upon an attitude toward life which goes deeper than the best economic and political arrangements. Without this attitude the best economic and political arrangements will not be surely established or long endure. . . .

Norman M. Thomas, *Appeal to the Nations* (New York: Henry Holt and Co., 1947), p. 174.

Harry S. Truman

1948

. . . We believe that all men are created equal and that they have the right to equal justice under the law.

We believe that all men have the right to freedom of thought and of expression and the right to worship as they please.

We believe that all men are entitled to equal opportunities for jobs, for homes, for good health and for education.

We believe that all men should have a voice in their government and that government should protect, not usurp, the rights of the people.

These are the basic civil rights which are the source and the support of our democracy. . . .

Special message to the Congress on civil rights, Feb. 2, 1948; *Public Papers of the Presidents of the United States: Harry S. Truman, 1948* (Washington: U.S. Government Printing Office, 1964), pp. 121-126.

American Declaration of the Essential Rights and Duties of Man

1948

♦ The American Republics have occupied a position of leadership in the movement toward international recognition of the existence of basic human rights and of the international importance of observing such rights. Meeting at Bogotá, Colombia, March 30–May 2, 1948, the 21 Republics adopted an American Declaration of the Essential Rights and Duties of Man.

Article I. Every human being has the right of life, liberty and the security of his person.

Article II. All persons are equal before the law and have the rights and duties established in this Declaration, without distinction as to race, sex, language, creed or any other factor.

Article III. Every person has the right freely to profess a religious faith, and to manifest and practice it both in public and in private.

Article IV. Every person has the right to freedom of investigation, of opinion, and of the expression and dissemination of ideas, by any medium whatsoever.

Article V. Every person has the right to the protection of the law against abusive attacks upon his honor, his reputation, and his private and family life.

Article VI. Every person has the right to establish a family, the basic element of society, and to receive protection therefor.

Article VII. All women, during pregnancy and the nursing period, and all children have the right to special protection, care and aid.

Article VIII. Every person has the right to fix his residence within the territory of the state of which he is a national, to

move about freely within such territory, and not to leave except by his own will.

Article IX. Every person has the right to the inviolability of his home.

Article X. Every person has the right to the inviolability and transmission of his correspondence.

Article XI. Every person has the right to the preservation of his health through sanitary and social measures relating to food, clothing, housing and medical care, to the extent permitted by public and community resources.

Article XII. Every person has the right to an education, which should be based on the principles of liberty, morality and human solidarity.

Likewise every person has the right to an education that will prepare him to attain a decent life, to raise his standard of living, and to be a useful member of society.

The right to an education includes the right to equality of opportunity in every case, in accordance with natural talents, merit and the desire to utilize the resources that the state or the community is in a position to provide.

Every person has the right to receive, free, at least a primary education.

Article XIII. Every person has the right to take part in the cultural life of the community, to enjoy the arts, and to participate in the benefits that result from intellectual progress, especially scientific discoveries.

He likewise has the right to the protection of his moral and material interests as regards his inventions or any literary, scientific or artistic works of which he is the author.

Article XIV. Every person has the right to work, under proper conditions, and to follow his vocation freely, in so far as existing conditions of employment permit.

Every person who works has the right to receive such remuneration as will, in proportion to his capacity and skill,

assure him a standard of living suitable for himself and for his family.

Article XV. Every person has the right to leisure time, to wholesome recreation, and to the opportunity for advantageous use of his free time to his spiritual, cultural and physical benefit.

Article XVI. Every person has the right to social security which will protect him from the consequences of unemployment, old age, and any disabilities arising from causes beyond his control that make it physically or mentally impossible for him to earn a living.

Article XVII. Every person has the right to be recognized everywhere as a person having rights and obligations, and to enjoy the basic civil rights.

Article XVIII. Every person may resort to the courts to ensure respect for his legal rights. There should likewise be available to him a simple, brief procedure whereby the courts will protect him from acts of authority that, to his prejudice, violate any fundamental constitutional rights.

Article XIX. Every person has the right to the nationality to which he is entitled by law and to change it, if he so wishes, for the nationality of any other country that is willing to grant it to him.

Article XX. Every person having legal capacity is entitled to participate in the government of his country, directly or through his representatives, and to take part in popular election, which shall be by secret ballot, and shall be honest, periodic and free.

Article XXI. Every person has the right to assemble peaceably with others in a formal public meeting or an informal gathering, in connection with matters of common interest of any nature.

Article XXII. Every person has the right to associate with others to promote, exercise and protect his legitimate interests of a political, economic, religious, social, cultural, professional, labor union or other nature.

Article XXIII. Every person has a right to own such private property as meets the essential needs of decent living and helps to maintain the dignity of the individual and of the home.

Article XXIV. Every person has the right to submit respectful petitions to any competent authority, for reasons of either general or private interest, and the right to obtain a prompt decision thereon.

Article XXV. No person may be deprived of his liberty except in the cases and according to the procedures established by pre-existing law.

No person may be deprived of liberty for nonfulfillment of obligations of a purely civil character.

Every individual who has been deprived of his liberty has the right to have the legality of his detention ascertained without delay by a court, and the right to be tried without undue delay, or, otherwise, to be released. He also has the right to humane treatment during the time he is in custody.

Article XXVI. Every accused person is presumed to be innocent until proved guilty.

Every person accused of an offense has the right to be given an impartial and public hearing, and to be tried by courts previously established in accordance with pre-existing laws, and not to receive cruel, infamous or unusual punishment.

Article XXVII. Every person has the right, in case of pursuit not resulting from ordinary crimes, to seek and receive asylum in foreign territory, in accordance with the laws of each country and with international agreements.

Article XXVIII. The rights of man are limited by the rights of others, by the security of all, and by the just demands of the general welfare and the advancement of democracy.*

Ninth International Conference of American States, Bogotá, Colombia, March 30–May 2, 1948; Report of the Delegation of the United States of America, With Related Documents (Department of State publication 3263; 1948), pp. 261–266.

*Here follow 10 articles setting forth the essential duties of every individual, such as the duty to obey the law, to pay taxes, and to educate his children.

Executive Order Establishing the President's Committee on Equality of Treatment and Opportunity in the Armed Services

1948

♦ On July 26, 1948, President Truman issued Executive Order 9981, which declared it to be the policy of the President that there should be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion, or national origin. The issuance of that order was the first step in abolishing segregation in the armed services of the United States.

Whereas it is essential that there be maintained in the armed services of the United States the highest standards of democracy, with equality of treatment and opportunity for all those who serve in our country's defense:

Now, Therefore, by virtue of the authority vested in me as President of the United States, by the Constitution and the statutes of the United States, and as Commander in Chief of the armed services, it is hereby ordered as follows:

1. It is hereby declared to be the policy of the President that there shall be equality of treatment and opportunity for all persons in the armed services without regard to race,

color, religion or national origin. This policy shall be put into effect as rapidly as possible, having due regard to the time required to effectuate any necessary changes without impairing efficiency or morale.

2. There shall be created in the National Military Establishment an advisory committee to be known as the President's Committee on Equality of Treatment and Opportunity in the Armed Services which shall be composed of seven members to be designated by the President.

3. The Committee is authorized on behalf of the President to examine into the rules, procedures and practices of the armed services in order to determine in what respect such rules, procedures and practices may be altered or improved with a view to carrying out the policy of this order. The Committee shall confer and advise with the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, and shall make such recommendations to the President and to said Secretaries as in the judgment of the Committee will effectuate the policy hereof. . . .

Federal Register, July 28, 1948, p. 4313.

Dwight D. Eisenhower

1953

. . . Our civil and social rights form a central part of the heritage we are striving to defend on all fronts and with all our strength. . . .

A cardinal ideal in this heritage we cherish is the equality of rights of all citizens of every race and color and creed.

We know that discrimination against minorities persists despite our allegiance to this ideal. Such discrimination—con-

fined to no one section of the Nation—is but the outward testimony to the persistence of distrust and of fear in the hearts of men. . . .

Annual message to the Congress on the state of the Union, Feb. 2, 1953; *Public Papers of the Presidents: Dwight D. Eisenhower, 1953* (Washington: U.S. Government Printing Office, 1960), pp. 12-34.

Brown v. Board of Education of Topeka

1954

• This case tested the validity of state laws providing for racial segregation in the public schools. The Supreme Court reversed the doctrine of *Plessy* v. *Ferguson*, 163 U.S. 537 (1896), that the Fourteenth Amendment does not outlaw segregation so long as equal facilities are provided for each race. The Court in *Brown* v. *Board of Education*, 347 U.S. 483 (1954), rejected the "separate but equal" doctrine because it amounted to a denial of equal protection. The Court followed this ruling with another in 1955, *Brown* v. *Board of Education of Topeka*, 349 U.S. 294 (1955), which established the principle that desegregation must proceed with "all deliberate speed" and assigned to the lower courts the responsibility for applying this principle. These rulings inaugurated a substantial revolution in the legal status of Negroes not only in the field of education but in other areas as well. In 1955 the Interstate Commerce Commission followed the Court's reasoning in a ruling that segregation was illegal on interstate trains and buses.

Warren, C. J. . . . Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening

the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

. . . The effect of this separation on their educational opportunities was well stated by a finding in the Kansas case . . .

> Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore has a tendency to retard the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racially integrated school system. . . .

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. . . .

347 U.S. 483.

Mrs. Franklin D. Roosevelt

1958

. . . Where, after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any map of the world. Yet they *are* the world of the individual person: The neighborhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world. . . .

Remarks at a ceremony in the United Nations, New York, Mar. 27, 1958; Ethel C. Phillips, *You in Human Rights: A Community Action Guide for International Human Rights Year* (U.S. National Commission for UNESCO, 1967), p. 2. Mrs. Roosevelt made these remarks while presenting to the U.N. Secretary General a booklet entitled *In Your Hands: Guide to Community Action*, prepared for the 10th Anniversary of the Universal Declaration of Human Rights.

John F. Kennedy

1962–1963

. . . One hundred years ago today Abraham Lincoln signed the Emancipation Proclamation. He thereby began the process which brought a final end to the evil of human slavery, which wiped out from our Nation what John Quincy Adams called the great stain upon the North American Union.

But the Emancipation Proclamation was not an end. It was a beginning. The century since has seen the struggle to convert freedom from rhetoric to reality. It has been in many respects a somber story. For many years progress towards the realization of equal rights was very slow. A structure of segregation divided the Negro from his fellow American citizen. He was denied equal opportunity in education and employment. In many places he could not vote. For a long time he was exposed to violence and to terror. These were bitter years of humiliation and deprivation. . . .

The last generation has been a belated, but still spectacular, quickening of the pace of full emancipation. Twenty-five years ago the Nation would have been unbelieving at the progress to be made by the time of this centennial, progress in education, in employment, in the even-handed administration of justice, in access to the ballot, in the assumption of places of responsibility and leadership, in public and private life. . . .

And the task is not finished. Much remains to be done to eradicate the vestiges of discrimination and segregation, to make equal rights a reality for all of our people, to fulfill finally the promises of the Declaration of Independence. Like the proclamation we celebrate, this observance must be regarded not as an end, but a beginning. The best commemoration lies not in what we say today, but in what we do in the days and months ahead to complete the work begun by Abraham Lincoln a century ago. "In giving freedom to the slaves," President Lincoln said, "we assure freedom to the free." In giving rights to others which belong to them, we give rights to ourselves and to our country.

Remarks recorded for the ceremony at the Lincoln Memorial commemorating the Centennial of the Emancipation Proclamation, Sept. 22, 1962; *Public Papers of the President: John F. Kennedy, 1962* (Washington: U.S. Government Printing Office, 1963), pp. 702–703.

. . . And is not peace, in the last analysis, basically a matter of human rights—the right to live out our lives without fear of devastation—the right to breathe air as nature provided it—the right of future generations to a healthy existence? . . .

Commencement address delivered at American University, Washington, June 10, 1963; *ibid.*, 1963, pp. 459–464.

. . . The heart of the question is whether all Americans are to be afforded equal rights and equal opportunities, whether we are going to treat our fellow Americans as we want to be treated. If an American, because his skin is dark, cannot eat lunch in a restaurant open to the public, if he cannot send his children to the best public school available, if he cannot vote for the public officials who represent him, if, in short, he cannot enjoy the full and free life which all of us want, then who among us would be content to have the color of his skin changed and stand in his place? Who among us would then be content with the counsels of patience and delay?

One hundred years of delay have passed since President Lincoln freed the slaves, yet their heirs, their grandsons, are not fully free. They are not yet freed from the bonds of injustice. They are not yet freed from social and economic oppression. And this Nation, for all its hopes and all its boasts, will not be fully free until all its citizens are free. . . .

Radio and television report to the American people on civil rights, June 11, 1963; *ibid.*, pp. 468–471.

312-899 O - 68 - 7

Martin Luther King, Jr.

1963

. . . But there is something I must say to my people who stand on the warm threshold which leads them to the palace of justice. In the process of gaining our rightful place we must not be guilty of wrongful deeds. Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred. We must forever conduct our struggle on the high plane of dignity and discipline. We must not allow our creative protest to degenerate into physical violence. Again and again we must rise to the majestic heights of meeting physical force with soul force.

The marvelous new militancy which has engulfed the Negro community must not lead us to a distrust of all white people, for many of our white brothers, as evidenced by their presence here today, have come to realize that their destiny is tied up with our destiny. They have come to realize that their freedom is inextricably bound to our freedom. We cannot walk alone.

And as we walk we must make the pledge that we shall always march ahead. We cannot turn back. There are those who are asking the devotees of civil rights: "When will you be satisfied?" We can never be satisfied as long as our bodies, heavy with the fatigue of travel, cannot gain lodging in the motels of the highways and the hotels of the cities. We cannot be satisfied as long as the Negro's basic mobility is from a smaller ghetto to a larger one. We can never be satisfied as long as our children are stripped of their self-hood and robbed of their dignity by signs stating: "For Whites Only." We cannot be satisfied as long as the Negro in Mississippi cannot vote and the Negro in New York believes he has nothing for which to vote. No, no, we are not satisfied and we will

not be satisfied until justice rolls down like the water and righteousness like a mighty stream. . . .

I say to you today, my friends, even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream. I have a dream that one day this nation will rise up and live out the true meaning of its creed: "We hold these truths to be self-evident that all men are created equal."

I have a dream that one day . . . the sons of former slaves and the sons of former slaveowners will be able to sit down together at the table of brotherhood. . . . I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character. . . . I have a dream that one day . . . little black boys and black girls will be able to join hands with little white boys and white girls as sisters and brothers. . . .

This is our hope. This is the faith that I go back to the South with. With this faith we will be able to hew out of the mountain of despair a stone of hope. With this faith we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood. With this faith we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day. . . .

Speech made at the Lincoln Memorial, Aug. 28, 1963; *Congressional Record*, Apr. 8, 1968, p. H2652.

Lyndon B. Johnson

1964–1965

♦ The Civil Rights Act of 1964 (Public Law 88–352; 78 Stat. 241) was the most far-reaching civil rights legislation since the Reconstruction era. The act contained new provisions to help guarantee Negroes the right to vote; guaranteed access to public accommodations such as hotels, motels, restaurants, and places of amusement; authorized the Federal Government to sue to desegregate public facilities and schools; extended the life of the Civil Rights Commission for 4 years and gave it new powers; provided that federal funds could be cut off where programs were administered discriminatorily; required most companies and labor unions to grant equal employment opportunity; established a new Community Relations Service to help work out civil rights problems; required the Census Bureau to gather voting statistics by race; and authorized the Justice Department to enter into a pending civil rights case.

. . . Americans of every race and color have died in battle to protect our freedom. Americans of every race and color have worked to build a nation of widening opportunities. Now our generation of Americans has been called on to continue the unending search for justice within our own borders.

We believe that all men are created equal. Yet many are denied equal treatment.

We believe that all men have certain unalienable rights. Yet many Americans do not enjoy those rights.

We believe that all men are entitled to the blessings of liberty. Yet millions are being deprived of those blessings—not because of their own failures, but because of the color of their skin.

The reasons are deeply imbedded in history and tradition and the nature of man. We can understand—without rancor or hatred—how this all happened.

But it cannot continue. Our Constitution, the foundation of our Republic, forbids it. The principles of our freedom

forbid it. Morality forbids it. And the law I will sign tonight forbids it. . . .

The purpose of the law is simple.

It does not restrict the freedom of any American, so long as he respects the rights of others.

It does not give special treatment to any citizen.

It does say the only limit to a man's hope for happiness, and for the future of his children, shall be his own ability.

It does say that there are those who are equal before God shall now also be equal in the polling booths, in the classrooms, in the factories, and in hotels, restaurants, movie theaters, and other places that provide service to the public. . . .

Its purpose is to promote a more abiding commitment to freedom, a more constant pursuit of justice, and a deeper respect for human dignity. . . .

Radio and television remarks upon signing the Civil Rights Act of 1964, July 2, 1964; *Public Papers of the Presidents: Lyndon B. Johnson, 1963-1964* (Washington: U.S. Government Printing Office, 1965; 2 vols.), vol. II, pp. 842-844.

. . . it is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates.

This is the next and more profound stage of the battle for civil rights. We seek not just freedom but opportunity. We seek not just legal equity but human ability, not just equality as a right and a theory but equality as a fact and equality as a result.

For the task is to give 20 million Negroes the same chance as every other American to learn and grow, to work and share in society, to develop their abilities—physical, mental and spiritual, and to pursue their individual happiness.

To this end equal opportunity is essential, but not enough, not enough. Men and women of all races are born with the same range of abilities. But ability is not just the product of birth. Ability is stretched or stunted by the family that you live with, and the neighborhood you live in—by the school you go to and the poverty or the richness of your surroundings. It is the product of a hundred unseen forces playing upon the little infant, the child, and finally the man. . . .

Commencement address delivered at Howard University, Washington, June 4, 1965; *ibid.*, *1965*, vol. II, pp. 635-644.

Robert F. Kennedy

1968

[What the country needs is] love, and wisdom and compassion toward one another, and a feeling of justice toward those who still suffer within our country, whether they be white or whether they be black.

Reply to a question asked by a young Negro, Indianapolis, Apr. 4, 1968; *Christian Science Monitor*, Apr. 5, 1968, p. B 8.

Rights of Indians

1968

♦ In 1934 Congress passed the Indian Reorganization Act, which laid the groundwork for democratic self-government on Indian reservations and was the forerunner of tribal constitutions. Few of the constitutions, however, included a bill of rights which provided safeguards for Indians in relation to their tribes. The "Rights of Indians," included in the Civil Rights Act of 1968, provides these safeguards.

No Indian tribe in exercising powers of self-government shall—

(1) make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;

(2) violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;

(3) subject any person for the same offense to be twice put in jeopardy;

(4) compel any person in any criminal case to be a witness against himself;

(5) take any private property for a public use without just compensation;

(6) deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense;

(7) require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of six months or a fine of $500, or both;

(8) deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

(9) pass any bill of attainder or ex post facto law; or

(10) deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

Sec. 202, Title II, P.L. 90-284, approved Apr. 11, 1968, 82 Stat. 77.

PART V

Toward Universal Fulfillment: The United Nations, 1942–1968

Declaration by the United Nations

1942

The Governments signatory hereto, . . .

Being convinced that complete victory over their enemies is essential to defend life, liberty, independence and religious freedom, and to preserve human rights and justice in their own lands as well as in other lands, . . . [pledge to wage war against the Axis to the end].

Department of State *Bulletin*, Jan. 3, 1942, p. 3.

Dumbarton Oaks Proposals

1944

. . . With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations, the Organization should facilitate solutions of international economic, social and other humanitarian problems and promote respect for human rights and fundamental freedoms. . . .

Section A of chapter IX of the draft charter for a general international organization, agreed upon at Dumbarton Oaks in Washington, D.C., in the fall of 1944 by representatives of the United States, the United Kingdom, the Soviet Union, and China; Department of State *Bulletin*, Oct. 8, 1944, p. 372.

Charter of the United Nations

1945

We the peoples of the United Nations, determined . . .

. . . to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women . . .

. . . have resolved to combine our efforts to accomplish these aims. . . .

Chapter I. Purposes and Principles

Article 1. The Purposes of the United Nations are: . . .

3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion . . .

. . . . . .

Chapter IV. The General Assembly

. . . . . .

Article 13. The General Assembly shall initiate studies and make recommendations for the purpose of: . . .

b. promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

. . . . . .

CHAPTER IX. International Economic and Social Cooperation

Article 55. With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote: . . .

c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56. All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.

. . . . . .

CHAPTER X. The Economic and Social Council

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Article 62. The Economic and Social Council . . . may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all. . . .

. . . . . .

Article 68. The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights . . .

. . . . . .

CHAPTER XII. International Trusteeship System

. . . . . .

Article 76. The basic objectives of the trusteeship system . . . shall be . . .

c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion. . . .

The Charter of the United Nations (S. Exec. Rept. 8, 79th Cong., 1st sess.).

Harry S. Truman

1945–1949

. . . Under this document [the Charter] we have good reason to expect the framing of an international bill of rights, acceptable to all the nations involved. That bill of rights will be as much a part of international life as our own Bill of Rights is a part of our Constitution. The Charter is dedicated to the achievement and observance of human rights and fundamental freedoms. Unless we can attain those objectives for all men and women everywhere—without regard to race, language, or religion—we cannot have permanent peace and security. . . .

Address delivered at the closing plenary session of the San Francisco Conference, June 25, 1945; Department of State *Bulletin*, July 1, 1945, p. 5.

. . . The charter [of the United Nations] plainly makes respect for human rights by nations a matter of international concern. The member nations have learned from bitter experience that regard for human rights is indispensable to political, economic, and social progress. They have learned that disregard of human rights is the beginning of tyranny and, too often, the beginning of war.

For these reasons, the United Nations has devoted much of its time to fostering respect for human rights. The General Assembly has adopted the Universal Declaration of Human

Rights and the Convention on Genocide. Other important measures in this field are under study.

I am confident that this great work will go steadily forward. The preparation of a Covenant on Human Rights by the Human Rights Commission is a task with which the United States is deeply concerned. We believe strongly that the attainment of basic civil and political rights for men and women everywhere—without regard to race, language or religion—is essential to the peace we are seeking. We hope that the Covenant on Human Rights will contain effective provisions regarding freedom of information. The minds of men must be free from artificial and arbitrary restraints, in order that they may seek the truth and apply their intelligence to making a better world. . . .

Address delivered at the laying of the cornerstone of the U.N. Building, New York, Oct. 24, 1949; *Public Papers of the Presidents: Harry S. Truman, 1949* (Washington: U.S. Government Printing Office, 1964), pp. 526–529.

George C. Marshall

1948

. . . It is entirely fitting that this General Assembly, meeting in France, which fired the hearts of men with the Declaration of the Rights of Man in 1789, should consider in 1948 the approval of a new declaration of human rights for free men in a free world.

Not only is it appropriate that we should have reaffirmed our respect for the human rights and fundamental freedoms but that we should renew our determination to develop and protect those rights and freedoms. Freedom of thought, conscience, and religion; freedom of opinion and expression;

freedom from arbitrary arrest and detention; the right of a people to choose their own government, to take part in its work, and, if they become dissatisfied with it, to change it; the obligation of government to act through law—these are some of the elements that combine to give dignity and worth to the individual. . . .

Systematic and deliberate denials of basic human rights lie at the root of most of our troubles and threaten the work of the United Nations. . . .

The maintenance of these rights and freedoms depends upon adherence to the abiding principles of justice and morality embodied in the rule of law. It will, therefore, always be true that those Members of the United Nations which strive with sincerity of purpose to live by the Charter and to conform to the principles of justice and law proclaimed by it, will be those states which are genuinely dedicated to the preservation of the dignity and integrity of the individual. . . .

Statement made before the U.N. General Assembly, Paris, Sept. 23, 1948; Department of State *Bulletin*, Oct. 3, 1948, p. 432.

Mrs. Franklin D. Roosevelt

1948

The long and meticulous study and debate of which this Universal Declaration of Human Rights is the product means that it reflects the composite views of the many men and governments who have contributed to its formulation. Not every man nor every government can have what he wants in a document of this kind. There are of course particular provisions in the declaration before us with which we are not

fully satisfied. I have no doubt this is true of other delegations, but taken as a whole the Delegation of the United States believes that this is a good document—even a great document—and we propose to give it our full support. The position of the United States on the various parts of the declaration is a matter of record. . . .

In giving our approval to the declaration today, it is of primary importance that we keep clearly in mind the basic character of the document. It is not a treaty; it is not an international agreement. It is not and does not purport to be a statement of law or of legal obligation. It is a declaration of basic principles of human rights and freedoms, to be stamped with the approval of the General Assembly by formal vote of its members, and to serve as a common standard of achievement for all peoples of all nations.

We stand today at the threshold of a great event both in the life of the United Nations and in the life of mankind, that is the approval by the General Assembly of the Universal Declaration of Human Rights recommended by the Third Committee. This declaration may well become the international Magna Carta of all men everywhere. We hope its proclamation by the General Assembly will be an event comparable to the proclamation of the Declaration of the Rights of Man by the French people in 1789, the adoption of the Bill of Rights by the people of the United States, and the adoption of comparable declarations at different times in other countries.

At a time when there are so many issues on which we find it difficult to reach a common basis of agreement, it is a significant fact that 58 states have found such a large measure of agreement in the complex field of human rights. This must be taken as testimony of our common aspiration first voiced in the Charter of the United Nations to lift men everywhere

to a higher standard of life and to a greater enjoyment of freedom. . . .

Statement made before the U.N. General Assembly, Paris, Dec. 9, 1948; Department of State *Bulletin*, Dec. 19, 1948, pp. 751–752. Mrs. Roosevelt was a U.S. Representative to the General Assembly.

Universal Declaration of Human Rights

1948

WHEREAS recognition of the inherent dignity and of the equal inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

WHEREAS disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

WHEREAS it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

WHEREAS it is essential to promote the development of friendly relations between nations,

WHEREAS the peoples of the United Nations have in the Charter reaffirmed their faith in the fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

WHEREAS Member States have pledged themselves to achieve, in co-operation with the United Nations, the promo-

tion of universal respect for and observance of human rights and fundamental freedoms,

WHEREAS a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore,

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it

312-999 O - 58 - 8

be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and the security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subject to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair, and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.

2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression: this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

2. Everyone has the right of equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration insuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and pro-

fessional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.*

Approved by the U.N. General Assembly, meeting at Paris, Dec. 10, 1948, by a vote of 48 to 0, with 8 abstentions. *Yearbook of the United Nations, 1948–1949*, pp. 535–537.

*The drafters of the Declaration intended that its provisions would subsequently be transformed into legally binding treaty provisions. In 1966 the U.N. General Assembly completed this task when it adopted two Covenants on Civil and Political Rights, and Economic, Social, and Cultural Rights.

Benjamin V. Cohen

1949

. . . It will require a great deal of time and concerted effort to establish adequate minimum standards of respect for human rights and freedoms everywhere in the world as envisaged in the Charter. The General Assembly rightly took as its first step the working out of a general Declaration of Human Rights so that we may have some standards with which to start. In all our countries, including my own, much remains to be done, and none of us can afford to assume a self-righteous attitude. But if we are serious in our quest for peace, we cannot fail to do our part and make every effort towards promoting minimum standards of human rights. . . .

I think that we are all in agreement that, in the light of our pledges in the Charter, the functions of the state should be

of a character to promote and not to destroy human rights and fundamental freedoms. . . . No state has the sovereign right claimed by Hitler's Third Reich to declare war on freedom and religion. State sovereignty does not mean state tyranny. In fields of thought and religion where men cannot agree, freedom is the only alternative to tyranny.

Unless a state allows freedom for the peaceful expression of ideas, the road toward peaceful change and progress is blocked. Unrestrained political power, no less than unrestrained economic power, has a corroding effect upon those who exercise it. This is particularly true when the wielders of power deny themselves the benefit of any views not meekly submissive and subservient to their will and caprice. Power which is unwilling to combat error with reason is not likely itself to be guided by reason. No state need fear the errors of dissenting opinion and nonconforming thought where reason is free to combat them. It is uneasy privilege, not confident progress, which prefers the arbitrament of force to the test of reason. Suppression of nonconforming opinion has always characterized the police state which fears the freedom of its own citizens. Tolerance of dissent is the most certain sign of a free state which cherishes and does not fear the freedoms of its citizens and uses force only to protect and not to suppress that freedom. . . .

Statement made before the Ad Hoc Political Committee of the U.N. General Assembly, New York, Apr. 18, 1949; Department of State *Bulletin*, May 1, 1949, pp. 556–560. Mr. Cohen was a U.S. Delegate to the General Assembly.

123

Philip C. Jessup

1949

. . . in ratifying the Charter of the United Nations we have pledged ourselves to cooperate in promoting "universal respect for and observance of human rights and fundamental freedoms." In 1945 we were free to choose. We could have chosen to go on down the isolationist path. Thank God we chose instead the upward path of cooperation.

That choice has in a new sense set us free. We are now free to act internationally upon our deep convictions that the welfare of the individual is something we care about not just when that individual is an American citizen but because he is a human being.

The law of the international society is catching up with the conscience of mankind. Four and five decades ago when American hearts were wrung and American sympathies went out to persecuted minorities in other lands, our Government was hampered by the restrictive rules of the era. Jurists strove to grapple with the human problem and sought to develop the doctrine of humanitarian intervention. That doctrine failed to prosper not because it was humanitarian but because it was unilateral and unilateralism contained the germs of its own fatal malady.

It is not a new thing in American history that we care and care deeply what happens to human beings throughout the world. What is new is our acceptance, along with that of the great majority of other members of the family of nations, of the principles which give us a legal as well as a moral interest in human happiness. . . .

Speech made before the 72d annual meeting of the American Bar Association, St. Louis, Sept. 6, 1949; Department of State *Bulletin*, Sept. 19, 1949, pp. 432–435. Mr. Jessup was U.S. Ambassador at Large.

John Foster Dulles

1953

. . . We believe that the American people are determined to do all within their power to make the United Nations an increasingly vigorous instrument of international order and justice. It is our earnest wish that the United Nations become an ever more effective agency for promoting, in the words of the Charter, "respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

The United States stands for full and complete enjoyment of these fundamental rights. The whole American philosophy of government is based on the conviction that man was endowed with these rights by his Creator and that they are inalienable. This conviction is expressed at many points in the legal structure of our national and state governments and is most clearly set forth in the Declaration of Independence and in the Bill of Rights in the Constitution of the United States. . . .

Letter to Mrs. Oswald B. Lord, Apr. 3, 1953; Department of State *Bulletin*, Apr. 20, 1953, pp. 579-580.

Dwight D. Eisenhower

1953

. . . For the people of the United States, as well as for people everywhere, the U.N. Universal Declaration of Human Rights is a significant beacon in the steady march toward achieving human rights and fundamental freedoms for all.

People everywhere are seeking freedom—freedom to live, freedom from arbitrary restraint, freedom to think and speak

as they wish, freedom to seek and find the truth. We must press ahead to broaden the areas of freedom. The United States is convinced that freedom is an indispensable condition to the achievement of a stable peace. . . .

Message sent to the U.N. Commission on Human Rights, Geneva, Apr. 7, 1953; Department of State *Bulletin*, Apr. 20, 1953, p. 580.

Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery

1956

♦ Although the Convention of 1926 had remained operative, by 1956 it was felt that the earlier convention should be augmented by the conclusion of a supplementary convention. Articles 1 to 8 provided for intensified national, as well as international, efforts toward the abolition of slavery, the slave trade, and institutions and practices similar to slavery.

Article 1

Each of the States Parties to this Convention shall take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the following institutions and practices, where they still exist and whether or not they are covered by the definition of slavery contained in article 1 of the Slavery Convention signed at Geneva on 25 September 1926:*

(*a*) Debt bondage, that is to say, the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not

applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined;

(*b*) Serfdom, that is to say, the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status;

(*c*) Any institution or practice whereby:

(i) A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or

(ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or

(iii) A woman on the death of her husband is liable to be inherited by another person;

(*d*) Any institution or practice whereby a child or young person under the age of 18 years is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.

. . . . . .

Article 3

1. The act of conveying or attempting to convey slaves from one country to another by whatever means of transport, or of being accessory thereto, shall be a criminal offence under the laws of the States Parties to this Convention and persons convicted thereof shall be liable to very severe penalties.

. . . . . .

Article 6

1. The act of enslaving another person or of inducing another person to give himself or a person dependent upon him into slavery, or of attempting these acts, or being accessory thereto, or being a party to a conspiracy to accomplish any such acts, shall be a criminal offence under the laws of the States Parties to this Convention and persons convicted thereof shall be liable to punishment.

Adopted by a Conference of Plenipotentiaries, Geneva, Sept. 7, 1956. Entered into force for the United States, Dec. 6, 1967; Treaties and Other International Acts Series 6418, pp. 4–8.

*Ante, p. 61.

Mrs. Oswald B. Lord

1958

. . . The story of mankind is a story of the struggle for increasing political freedom and economic abundance. In each of the cultures represented at this Commission there have been milestones along the path toward an increasing standard of human rights and freedoms.

People for centuries have yearned for both security and adventure—for peace and freedom. Other bodies of the United Nations are primarily concerned with achieving peaceful relations among nations. It is their task to take up the political disputes which are often at the heart of violations of human rights. It is their task to deal with individual violations of human rights which may be threats to international peace. We in the Human Rights Commission have the task of setting the goals for which men should aim and of discovering the techniques to achieve them.

It would be gratifying to all of us here if we could achieve

the fundamental freedoms which the charter and the declaration speak of by passing resolutions, or even by drafting conventions or treaties. But unfortunately peaceful progress toward human rights depends above everything else on changing the beliefs and ideas by which men live. Ideas and beliefs change slowly. . . .

Statement made before the U.N. Commission on Human Rights, Apr. 1, 1958; Department of State *Bulletin*, May 26, 1958, pp. 884-888. Mrs. Lord was the U.S. Representative on the Commission.

Henry Cabot Lodge, Jr.

1960

. . . The framers of the [U.N.] charter took a historic forward step when they included among the purposes of the United Nations the achievement of international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. The United States supported wholeheartedly this important innovation in the charter. Its newness and importance as a concept in international life make it essential for all of us to approach sympathetically and constructively the question now before the Security Council. . . .

Statement made before the U.N. Security Council, Apr. 1, 1960; Department of State *Bulletin*, Apr. 25, 1960, pp. 668-669. Mr. Lodge, the U.S. Representative to the United Nations, made this statement during U.N. consideration of the "situation arising out of the large-scale killings of unarmed and peaceful demonstrators against racial discrimination and segregation in the Union of South Africa."

Adlai E. Stevenson

1963

. . . The next . . . area in which I feel a new clarity emerging is in human rights—in the rather sudden discovery, that is, of the central role of human rights in all our affairs. Perhaps it is not even enough to speak of a central role for human rights; for the real point is that human rights are the heart and the core of nearly everything we do and try to do. . . . These rights, of course, are at the heart of the democratic system—the first freedoms of a society built upon respect for the inherent dignity and equality of all men. . . .

Statement made before the 36th session of the U.N. Economic and Social Council, Geneva, July 10, 1963; Department of State *Bulletin*, Aug. 12, 1963, pp. 265–272. Mr. Stevenson was the U.S. Representative to the United Nations.

. . . In our own land, for one, we cannot rest until the last vestiges of indignity or discrimination are abolished forever—until every man in America can look his neighbor in the face and see a friend—not a color. For the very essence of freedom, after all, is nothing less than dignity.

. . . the fact is that what troubles we have today are the result of progress made yesterday. We are moving through a period of social change in the direction of equal rights for all in the last corner of our land. That much still remains to be done is self-evident. But our greatness as a nation demands that the shadow be dispelled and our international commitment to freedom and justice for all be redeemed. . . .

And the attainment of equality for all in America will give the twin causes of freedom and human rights a great impetus throughout the globe. For the rights of man—

the quality of life on earth in our time—is, after all, the key to peace. . . .

Statement made in observance of United Nations Day, Dallas, Oct. 24, 1963; *ibid.*, Nov. 18, 1963, pp. 766–773.

Dean Rusk

1964

. . . securing equal rights for all individual members of the human race is the ultimate goal of world community—and the ultimate challenge to the United Nations as the elementary but principal expression of that community. . . .

It is here that we sense the permanent value and the final force of the basic principles of a charter which dares to speak for "We the peoples of the United Nations." Sometimes I feel that we talk too much about the universality and brotherhood of man and too little about the valuable and interesting differences that distinguish all brothers. But the lessons of recorded history, and the teachings of the world's great teachers, make clear the basic wants of mankind.

Men and women everywhere want a decent standard of material welfare for themselves and their children . . . to live in conditions of personal security . . . social justice . . . to experience a sense of achievement . . . and . . . personal freedom and human dignity. . . .

The Dag Hammarskjold Memorial Lecture, Columbia University, New York, Jan. 10, 1964; Department of State *Bulletin*, Jan. 27, 1964, pp. 112–119. The lecture was delivered for Secretary Rusk by Harlan Cleveland, Assistant Secretary for International Organization Affairs.

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Franklin H. Williams

1964

. . . we recognize that racial discrimination is a pernicious disease which must be eradicated as quickly as possible from all societies, everywhere. There is scarcely any quarter of the globe free from this ill; and to deny this is, in my view, to lack candor or to be blind to the facts. Discrimination exists in practically every area of the world, either on the basis of color, race, ethnic origin, or religon. . . .

Some people in our country and elsewhere protest that legislation cannot end discrimination, for they contend prejudice is in the hearts of men. This may be true, but we believe that national legislation sets a standard for acceptable social conduct and can penalize the abuses and excesses which lead men to violence against their fellow men. We also believe it appropriate and effective for the international community of nations to declare standards against which national respect for the dignity and worth of the human person can be measured. . . .

My Government is determined that the goals we seek for our own society are those which we will fight for and die for, if need be, throughout the world. We believe that justice, equality, freedom, and dignity for all men are the glue which will make the United Nations strong and bind the community of man together. Until we vigorously assume and achieve our charter obligation to respect, expand, and protect the rights of man, we cannot envisage a world at peace. . . .

Statement made before the 37th session of the U.N. Economic and Social Council, Geneva, July 30, 1964; Department of State *Bulletin*, Sept. 21, 1964, pp. 418-422. Mr. Williams was the U.S. Representative in the U.N. Economic and Social Council.

Arthur J. Goldberg

1965–1966

. . . It avails nothing to break down the barriers, to establish the procedure of law, to insure civil rights in the courts, if in so doing we do not also create an atmosphere in which human dignity has meaning and human life a value. . . .

Address delivered before the Conference on World Peace Through Law, Washington, Sept. 17, 1965; Department of State *Bulletin*, Oct. 4, 1965, pp. 544–548. Mr. Goldberg was the U.S. Representative to the United Nations.

. . . Indeed, human rights and economic rights are but a single interwoven and inseparable strand. In striving for both simultaneously, we in this [Economic and Social] Council embrace the aspirations of a better life and a great society of all men in which human misery and discrimination will one day be banished, not because of our limited nationality but out of our common humanity. . . .

Statement made before the 41st session of the U.N. Economic and Social Council, Geneva, July 6, 1966; *ibid.*, Aug. 15, 1966, pp. 241–248.

International Convention on the Elimination of All Forms of Racial Discrimination

1965

THE STATES PARTIES TO THIS CONVENTION,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged

themselves to take joint and separate action in co-operation with the Organization for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinctions of any kind, in particular as to race, colour or national origin,

Considering that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination,

. . . . . .

Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere,

. . . . . .

Have agreed as follows:

PART I

Article 1

1. In this Convention the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. . . .

Article 2

1. State Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms, and promoting understanding among all races, and to this end:

(a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

. . . . .

(d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;

. . . . .

Article 3

States Parties particularly condemn racial segregation and *apartheid* and undertake to prevent, prohibit and eradicate, in territories under their jurisdiction, all practices of this nature.

U.N. doc. A6014, pp. 47-51; adopted by the U.N. General Assembly, Dec. 21, 1965. The United States signed the Convention Sept. 28, 1966.

Declaration on Population by World Leaders

1966

♦ Prepared at the initiative of John D. Rockefeller III, Chairman of the Population Council, a private non-profit organization, the declaration was first presented with twelve signatories to the U.N. Secretary-

General on December 10, 1966, in observance of Human Rights Day. Eighteen additional signatories, including the United States, were announced on December 11, 1967, in observance of Human Rights Day.

The peace of the world is of paramount importance to the community of nations, and our governments are devoting their best efforts to improving the prospects for peace in this and succeeding generations. But another great problem threatens the world—a problem less visible but no less immediate. That is the problem of unplanned population growth.

It took mankind all of recorded time until the middle of the last century to achieve a population of one billion. Yet it took less than a hundred years to add the second billion, and only thirty years to add the third. At today's rate of increase, there will be four billion people by 1975 and nearly seven billion by the year 2000. This unprecedented increase presents us with a situation unique in human affairs and a problem that grows more urgent with each passing day.

The numbers themselves are striking, but their implications are of far greater significance. Too rapid population growth seriously hampers efforts to raise living standards, to further education, to improve health and sanitation, to provide better housing and transportation, to forward cultural and recreational opportunities—and even in some countries to assure sufficient food. In short, the human aspiration, common to men everywhere, to live a better life is being frustrated and jeopardized.

As heads of governments actively concerned with the population problem, we share these convictions:

We believe that the population problem must be recognized as a principal element in long-range national planning if governments are to achieve their economic goals and fulfill the aspirations of their people.

We believe that the great majority of parents desire to have the knowledge and the means to plan their families; that the opportunity to decide the number and spacing of children is a basic human right.

We believe that lasting and meaningful peace will depend to a considerable measure upon how the challenge of population growth is met.

We believe that the objective of family planning is the enrichment of human life, not its restriction; that family planning, by assuring greater opportunity to each person, frees man to attain his individual dignity and reach his full potential.

Recognizing that family planning is in the vital interest of both the nation and the family, we, the undersigned, earnestly hope that leaders around the world will share our views and join with us in this great challenge for the well being and happiness of people everywhere.

Population Newsletter, Apr. 1968, pp. 44–45.

Roy Wilkins

1968

. . . There is not the slightest doubt in my mind about my country's glittering future for all Americans—black men and white, Indians, Protestants, Catholics, Jews, and nonbelievers. Such a statement is justified by the confidence that the President of the Nation, its court system, and belatedly its National Legislature, are fully committed toward this ideal—and the country will surely follow.

. . . The fabric of human rights is never completed—and may its borders never be limited by the sight of one group, one system, or one generation.

In the international field, we have proclaimed more human rights than we have implemented. The Universal Declaration is properly named. Its ideals are universally accepted, but it remains a declaration and not a fact.

In part the problem is the unlimited claim of national sovereignty. I submit that under the United Nations Charter no nation is entitled to wrong its own citizens. Either the charter provisions dealing with human rights have meaning or they are a cruel fraud. If these provisions are meaningful, they must carry their thrust into the boundaries of member states. Human rights violations on this planet (except in Antarctica or outer space) occur in the territories of states.

. . . We meet on the 20th anniversary of the U.N. Declaration of Human Rights. What will be the state of human rights around the world 20 years hence? How will the U.N. system contribute to this development? I have no answer, but I can be forgiven a flight of imagination: a rising standard of living; a revolution in communications and technology; the escalation of expectations, material and spiritual. All these will excite populations everywhere.

No state in any system will be able to fence out ideas or fence in people. All shall learn from all, and mankind will enjoy a communality now unrealized. There will be national differences, but there will be aspirations for expression and opportunity which will overleap all boundaries. States of every system must prepare to accept freedoms—with South Africa included—or accept the fate of states which cannot live with liberty and with change. Change, domestic and international, will require a commitment to action. . . .

Statement made before the U.N. International Conference on Human Rights, Tehran, Apr. 24, 1968; Department of State *Bulletin*, May 20, 1968, pp. 661–663. Mr. Wilkins was chairman of the U.S. delegation to the conference.

Proclamation of Teheran

1968

The International Conference on Human Rights,

Having met at Teheran from April 22 to May 13, 1968 to review the progress made in the twenty years since the adoption of the Universal Declaration of Human Rights and to formulate a programme for the future;

. . . . . .

Noting that the observance of the International Year for Human Rights takes place at a time when the world is undergoing a process of unprecedented change;

Having regard to the new opportunities made available by the rapid progress of science and technology;

Believing that, in an age when conflict and violence prevail in many parts of the world, the fact of human interdependence and the need for human solidarity are more evident than ever before;

Recognising that peace is the universal aspiration of mankind and that peace and justice are indispensable to the full realization of human rights and fundamental freedoms;

Solemnly proclaims that:

. . . . . .

2. The Universal Declaration of Human Rights states a common understanding of the peoples of the world concerning the inalienable and inviolable rights of all members of the human family and constitutes an obligation for the members of the international community;

. . . . . .

5. The primary aim of the United Nations in the sphere of human rights is the achievement by each individual of

the maximum freedom and dignity. For the realization of this objective, the laws of every country should grant each individual, irrespective of race, language, religion or political belief, freedom of expression, of information, of conscience and of religion, as well as the right to participate in the political, economic, cultural and social life of his country;

. . . . .

Therefore,

The International Conference on Human Rights

1. *Affirming* its faith in the principles of the Universal Declaration of Human Rights and other international instruments in this field;

2. *Urges* all peoples and governments to dedicate themselves to the principles enshrined in the Universal Declaration of Human Rights and to redouble their efforts to provide for all human beings a life consonant with freedom and dignity and conducive to physical, mental, social and spiritual welfare.

Adopted May 13, 1968; U.N. doc. A/CONF. 32/L.28.

Lyndon B. Johnson

1968

♦ On January 30, 1968, President Johnson appointed a Commission for the Observance of Human Rights Year 1968. He took this action in response to a recommendation of the United Nations General Assembly that Member States undertake special activities in the field of human rights during 1968—the Twentieth Anniversary of the Universal Declaration.

It is seldom that any one man's life embodies both national leadership and a universal cause. It is rarer still when his spirit survives his death and endures as an inspiration for man's deepest hopes.

Such a man was born 86 years ago this day.

President Franklin Delano Roosevelt stands in life and death as a towering advocate of those timeless ideals that promise individual fulfillment to men and peace to the family of nations. His country pursues those ideals more than two decades after his death: social justice here at home and a community of mutually respecting nations throughout the world.

Today we take another and determined step toward those ideals. We mark the anniversary of President Franklin Roosevelt's birth in the most fitting and hopeful way—by building on his work.

I have today signed an Executive order establishing a Presidential Commission for the Observance of Human Rights Year.

The General Assembly of the United Nations has designated 1968 as International Year for Human Rights. It is the 20th anniversary year of the Universal Declaration of Human Rights. United Nations members are called upon for appropriate national observances throughout this year.

Three months ago, in declaring 1968 Human Rights Year for the United States, I called upon "all Americans and upon all Government agencies—federal, state and local—to use this occasion to deepen our commitment to the defense of human rights and to strengthen our efforts for their full and effective realization both among our own people and among all the peoples of the United Nations."* The Commission I have appointed is composed of distinguished citizens and heads of executive agencies. They are charged with shaping the variety of our efforts into a major and purposeful national contribution.

The United States was founded on great and lasting principles of liberty and rights for the individual. Our Constitu-

tion and our laws preserve these rights. Our Government is devoted to enlarging them for all Americans.

But rights not perceived cannot be prized; rights not understood are rights not exercised and soon weakened or destroyed. We have a great need and responsibility to educate our people in a fuller understanding of their rights.

We can lead by our example. Peace is the spur. If nations are not to rely forever on a fragile balance of fears, they must find confidence in making justice the guiding principle of their national and international affairs.

We seek justice as a safeguard against tyranny and catastrophe. Secretary of State George Marshall reminded us 20 years ago:

> Governments which systematically disregard the rights of their own people are not likely to respect the rights of other nations and other people and are likely to seek their objectives by coercion and force. . . .

Thus warned in 1948, America pledged her strength and hope with other signatories to the Universal Declaration of Human Rights. This great compact gave new power and coherence to man's often shapeless and sometimes hopeless yearning for equality and freedom.

We reaffirm our allegiance to that Declaration today and call upon all our citizens and institutions to advance its purposes to the extent of their abilities.

The Senate has signified that it will enlarge its own important role. It supported our participation in international agreements that further the protection of human rights by consenting to the Supplementary Convention on Slavery on November 2, 1967. In my proclamation designating Human Rights Year, I declared that ratification of the Human Rights Conventions was long overdue. It is my earnest hope that the Senate will complete the tasks before it by ratifying the remaining Human Rights Conventions.

America's domestic initiatives and successes in assuring our people the guarantees of our Constitution should be better understood by the international community.

The Commission I appoint today:

—can enlarge our people's understanding of the principles of human rights as expressed in the Universal Declaration and the Constitution and in the laws of the United States;

—can provide a focus for governmental participation in Human Rights Year, enlisting the cooperation of organizations and individuals;

—and may conduct studies, issue publications, and undertake such other activities as it finds appropriate.

I have appointed the following distinguished citizens to serve on the Commission:

[See following page]

I have selected these men and women with care and confidence, because I expect them to perform an outstanding service for every American, and for all who prize the rights that we possess and seek to make secure for others.

The Commission will have my strongest personal support.

Statement made upon signing an Executive order establishing a Presidential Commission for the Observance of Human Rights Year, Jan. 30, 1968; Department of State *Bulletin*, Feb. 19, 1968, pp. 231-232. Text of Executive Order 11394 establishing the President's Commission for the Observance of Human Rights Year 1968, *ibid.*, pp. 232-233.

*For text of Proclamation No. 3814, Oct. 11, 1967, see Department of State *Bulletin*, Nov. 13, 1967, p. 660.

President's Commission for the Observance of Human Rights Year 1968

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Chairman

Anna Roosevelt Halsted
Vice Chairman

The Secretary of State

The Attorney General

The Secretary of Labor

The Secretary of Health, Education, and Welfare

The Secretary of Housing and Urban Development

The Staff Director of the Commission on Civil Rights

The Chairman of the Equal Employment Opportunity Commission

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The President's Commission for the
Observance of Human Rights Year 1968

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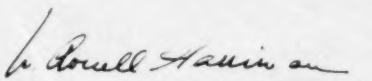
"Over the years we have considered ourselves and have been considered by world opinion as the upholders of human liberty. We have, however, come to understand that we were not living fully by our own principles as set forth in our Declaration of Independence and Constitution.

"I believe history will record that it was President Johnson who first took the unequivocal stand that we could no longer only talk about these rights—they must be achieved, not some time in the future, but now. Congress has responded to his initiative by enacting the most far-reaching civil rights legislation in our history. Thus, this Commission, appointed by President Johnson, has the responsibility to help fulfill now the desire of our people for the full achievement of human rights in our nation."



W. AVERELL HARRIMAN

From remarks at the first meeting of the Commission, February 27, 1968

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